



Roll Call Number

15-1071

Agenda Item Number

55

Date June 22, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM FIRST FEDERATED CHURCH TO REZONE PROPERTY LOCATED AT 4801 FRANKLIN AVENUE FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

WHEREAS, on June 8, 2015, by Roll Call No. 15-0913, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 21, 2015, its members voted 9-2 in support of a motion to recommend **APPROVAL** of a request from First Federated Church (owner), represented by Tom Clegg (officer), to rezone real property locally known as 4801 Franklin Avenue ("Property"), from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow reuse of a portion of the previous parochial school building for a private daycare center and pre-school uses, subject to limiting the permitted uses to only those allowed in the "R1-60" District and to a daycare center with preschool, and further advising that the Commission voted 9-2 to find the proposed rezoning in conformance with the existing Des Moines' 2020 Community Character Plan designation of Public/Semi-Public; and

WHEREAS, on June 8, 2015, by Roll Call No. 15-0913, it was duly resolved by the City Council that the application of First Federated Church (owner) to rezone the Property, as legally described below, be set down for hearing on June 22, 2015 at 5:00 P.M. in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 4801 Franklin Avenue, legally described as:

The South 685.6 feet of the East 608.3 feet and the North 220.8 feet of the East 500 feet of Lot 2 FRANKLIN PLAZA, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow reuse of a portion of the previous parochial school building for a private daycare center and pre-school uses, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

★ Roll Call Number

15-1071

Agenda Item Number

55

Date June 22, 2015

-2-

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel; any objections to the proposed rezoning of the Property to Limited "C-1" Neighborhood Retail Commercial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-1" Neighborhood Retail Commercial District is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan, and is hereby approved with conditions as set forth above, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2015-00066)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh

City Clerk

T. M. Franklin
Mayor