

★ Roll Call Number

15-1075

Agenda Item Number

56B

Date June 22, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM 3826 EASTON BLVD, LLC TO REZONE PROPERTY LOCATED AT 3826 EASTON BOULEVARD**

**WHEREAS**, on June 8, 2015, by Roll Call No. 15-0912, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on May 21, 2015, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from 3826 Easton Blvd, LLC (owner), represented by Caleb Fritzler (officer), to rezone real property locally known as 3826 Easton Boulevard from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow development of a 4-unit multiple-family dwelling; and

**WHEREAS**, on June 8, 2015, by Roll Call No. 15-0912, it was duly resolved by the City Council that the application of 3826 Easton Blvd, LLC to rezone the Property, legally described as follows, be set down for hearing on June 22, 2015 at 5:00 p.m. in the Council Chambers at City Hall:

Lots 383 & 384, FOUR MILE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; 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 rezoning; 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.

**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 statements of interested persons and arguments of counsel, any and all comments for and against the proposed rezoning of the Property to "R-3" Multiple-Family Residential District, to allow development of a 4-unit multiple-family dwelling, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Mahaffey to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:

- a. The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested rezoning of the Property to "R-3" Multiple-Family Residential District, to allow development of a 4-unit multiple family dwelling.
- b. The proposed rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use map, and the City Plan and Zoning Commission voted 11-0 to approve the staff recommendation that the proposed rezoning not be found in conformance with said Plan, and further voted 11-0 to deny the owner's request to amend the existing future land use designation for the Property from Low Density Residential to Medium Density Residential.

( continued )

★ Roll Call Number

15-1075

Agenda Item Number

56B

Date June 22, 2015

-2-

- c. The Sheridan Gardens Neighborhood Association and adjoining neighbors have objected to the proposed rezoning.
- d. The proposed rezoning is not in conformance with the surrounding residential neighborhood or neighborhood plan, including owner-occupied single-family dwellings.
- e. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

Alternative B

MOVED by \_\_\_\_\_ to continue the public hearing until July 13, 2015, at 5:00 p.m. in the Council Chambers, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning subject to conditions acceptable to the City and the owner.

~~MOVED by Mahaffey to adopt.~~

FORM APPROVED:

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

(ZON2015-00064)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Commission's recommendation for denial. Des Moines City Code §134-4.

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

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.

T. M. Franklin Mayor

Diane Rauh City Clerk