



Roll Call Number

15-1556

Agenda Item Number

61B

Date September 14, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM CHAD OGLE TO REZONE PROPERTY LOCATED AT 1157, 1185 AND 1187 15TH STREET

WHEREAS, on August 24, 2015, by Roll Call No. 15-1429, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2015, its members voted 7-4 in support of a motion to recommend DENIAL of a request from Chad Ogle (owner) to rezone real property locally known as 1157, 1185 and 1187 15th Street ("Property") from "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to "M-1" Light Industrial District to allow expansion of an existing auto-body repair operation; and

WHEREAS, on August 24, 2015, by Roll Call No. 15-1429, it was duly resolved by the City Council that the application of Chad Ogle to rezone the Property, legally described as follows, be set down for hearing on September 14, 2015 at 5:00 p.m. in the Council Chamber at City Hall:

Lots 30, 31, 32 and 33 in Block 2, NORTHWESTERN HEIGHTS, an Official Plat in Book E, Page 207, City of Des Moines, Polk County, Iowa. Property contains 0.6 acres; 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 "M-1" Light Industrial District, to allow expansion of an existing auto-body repair operation, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Hensley 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 7-4 to recommend denial of the requested rezoning of the Property to "M-1" Light Industrial District to allow expansion of an existing auto-body repair operation.
- b. The proposed rezoning is not compatible with the Low-Density Residential future land use designation in the Des Moines' 2020 Community Character Plan, and an amendment to General Industrial designation is not appropriate given the close proximity of residential uses to the north and east and potential for higher levels of noise, traffic and other impacts for adjoining areas.

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- c. 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 September 28, 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.

FORM APPROVED:

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

(ZON2015-00131)

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.

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

Diane Rauh City Clerk