



Roll Call Number

15-1608

Agenda Item Number

23

Date September 28, 2015

RESOLUTION SETTING HEARING ON REQUEST FROM LYMAN ENTERPRISES, LC (OWNER) TO REZONE PROPERTY LOCATED AT 2 HARTFORD AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 17, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Lyman Enterprises, LC (owner), represented by Anthony Lyman (officer), to rezone property located at 2 Hartford Avenue ("Property") from Limited "C-1" Neighborhood Retail Commercial District with allowance of "R-3" District permitted uses, daycare center, and dance studio uses to Limited "C-1" Neighborhood Retail Commercial District with the additional allowance of office and art studio/shop uses, subject to the following conditions:

1. Only the following uses of structures or land shall be permitted upon the Property:
 - a. Any use allowed in and as limited in the "R-3" Multiple Family Residential District.
 - b. Daycare facilities.
 - c. Dance studios.
 - d. Artist studios.
 - e. Offices;
2. The parking spaces within any parking lot upon the Property shall be striped in conformance with the City's standards for parking;
3. Buffering shall be installed on the eastern boundary of the Property if the adjoining portion of the Property is utilized for parking, to eliminate intrusion of vehicle lights onto the adjoining residential area; and
4. Any change in use of the Property shall be made in compliance with all applicable codes and with all necessary permits, including obtaining a Certificate of Occupancy for the new use; and

WHEREAS, the Property is legally described as follows:

Parcel "B" of the Plat of Survey filed October 14, 2003 and recorded in Book 10211, Page 852, being a part of Lots 22 and 23 of the Official Plat of the West 1/2 of Section 10, Township 78, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on October 12, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(continued)



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MOVED by Hensley to adopt.

FORM APPROVED:

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

(ZON2015-00165)

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.

Y. M. Franklin Cownie Mayor

Diane Rauh City Clerk