

★ Roll Call Number

15-2090

Agenda Item Number

46B

Alternate Resolution

Date December 7, 2015

RESOLUTION CLOSING HEARING ON APPEAL BY THOMAS WONG OF THE  
CONDITIONS FOR APPROVAL OF A SITE PLAN FOR AN EXPANSION OF A  
VEHICLE DISPLAY LOT AT 852 E. 25th COURT AND GRANTING SAME

WHEREAS, on November 5, 2015, the City Plan and Zoning Commission voted 10 to 1 to approve an application by Thomas Wong for approval of a Site Plan titled "Tom's - Denny Murray Lot" pursuant to City Code Sec. 82-214.3 - Design Guidelines for Vehicle Display Lots, to allow a 2,925-square foot expansion of the adjoining vehicle display lot onto the property at 852 E. 25th Court, subject to the following conditions:

1. Provision of a 6-foot wide sidewalk along East University Avenue frontage in compliance with the East University Avenue Design Guidelines.
2. The parcel currently known as 852 East 25th Court shall be combined with the north, unaddressed parcel on the site by the Polk County Assessor to form one tax parcel.
3. Provision of parking lot/display lot plantings in compliance with "C-2" district set forth in the landscape standards and in compliance with all comments contained in the administrative review by the Permit and Development Center.
4. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated
5. Compliance with all administrative review comments by the Permit and Development Administrator.

WHEREAS, Thomas Wong has timely appealed to the City Council pursuant to §82-210 of the Des Moines Municipal Code, seeking relief from the requirement to construct a 6-foot wide sidewalk along the E. University Avenue frontage in compliance with the East University Avenue Design Guidelines; and,

WHEREAS, on November 23, 2015, by Roll Call No. 15-1961, the City Council scheduled a public hearing on the appeal, to be held on December 7, 2015, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, notice of the hearing has been provided to the applicant's representative, and published in the Des Moines Register on November 27, 2015; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said appeal have been given the opportunity to be heard.

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

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1. The public hearing on the appeal by Thomas Wong is hereby closed.
2. The City Council hereby makes the following findings of fact:
  - a) The proposed Site Plan would allow expansion of an existing vehicle display lot along E. University Avenue to include an additional parcel along E. 25th Court.
  - b) The obligation to construct the 6-foot wide sidewalk along E. University Avenue in conformance with the East University Avenue Design Guidelines places an undue burden upon the applicant.
3. The appeal by Tomas Wong is hereby granted to the following extent. The obligation to construct the 6-foot wide sidewalk in conformance with the East University Avenue Design Guidelines is hereby removed and deleted as a condition of site plan approval.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K Brown*

Roger K. Brown, Assistant City Attorney  
U:\Rog Docs\Zoning\Site Plan\Tom's\RC Hrg - Approving.docx

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MOORE          |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk