

★ Roll Call Number

16-0894

Agenda Item Number

54 ✓

Date May 23, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM ROBERT FESSLER TO
REZONE PROPERTY LOCATED AT 2012 AND 2016 EAST OVID AVENUE FROM "FW"
FLOODWAY DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT**

WHEREAS, on May 9, 2016, by Roll Call No. 16-0763, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 7, 2016, its members voted 10-0 to recommend **APPROVAL** of a request from Robert Fessler (owner) to rezone property located at 2012 and 2016 East Ovid Avenue ("Property") from "FW" Floodway District to "M-1" Light Industrial District to allow for development of an industrial building on the site outside the regulatory flood hazard areas; and

WHEREAS, on May 9, 2016, by Roll Call No. 16-0763, it was duly resolved by the City Council that the application of Robert Fessler (owner) to rezone the Property, as legally described below, be set down for hearing on May 23, 2016 at 5:00 p.m. in the Council Chambers 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 located at 2012 and 2016 East Ovid Avenue, legally described as:

Commencing at the Northeast Corner of Lot 12 in OVID HEIGHTS, an Official Plat; thence South 00°18'35" East along the East Line of said Lot 12, a distance of 7.10 feet; thence North 89°49'07" West, a distance of 69.00 feet, to the Point of Beginning; thence South 17°34'57" East, a distance of 87.56 feet; thence North 89°50'49" West, a distance of 53.93 feet; thence South 00°21'01" East, a distance of 36.00 feet; thence North 89°49'07" West, a distance of 103.00 feet; thence North 00°21'10" West, a distance of 119.42 feet; thence South 89°49'07" East, a distance of 131.00 feet to the Point of Beginning; now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "FW" Floodway District to "M-1" Light Industrial District to allow for development of an industrial building on the site outside the regulatory flood hazard areas.

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 "M-1" Light Industrial District are hereby overruled, and the hearing is closed.

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- 2. The proposed rezoning of the Property is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan designation of Industrial.
- 3. The proposed rezoning of the Property to "M-1" District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

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

(ZON2016-00058)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6	1		

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk