



Roll Call Number

16-1083

Agenda Item Number

58 ✓

Date June 27, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM GREG WILSON (OWNER) TO REZONE PROPERTY LOCATED AT 801 SOUTHEAST 7TH STREET TO "M-1" LIGHT INDUSTRIAL DISTRICT

WHEREAS, on June 13, 2016, by Roll Call No. 16-0953, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 2, 2016, its members voted 10-0 in support of a motion to recommend DENIAL of a request from Greg Wilson (owner) to rezone property located at 801 Southeast 7th Street ("Property") from "R1-60" One-Family Low-Density Residential District to "M-1" Light Industrial District to allow for continued use of the property for outside storage of a semi-tractor/trailer used for independent trucking business operation; and

WHEREAS, on June 13, 2016, by Roll Call No. 16-0953, it was duly resolved by the City Council that the application of Greg Wheeler to rezone the Property, legally described as follows, be set down for hearing on June 27, 2016 at 5:00 p.m. in the Council Chamber at the Municipal Services Center:

Lot 5 in Block 64 in TOWN OF DE MOINE, an Official Plat, all 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 "M-1" Light Industrial District, to allow for continued use of the Property for outside storage of a semi-tractor/trailer used for independent trucking business operation, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Gatto 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 10-0 to recommend denial of the requested rezoning of the Property to "M-1" Light Industrial District.

( continued )



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- b. The PlanDSM: Creating Our Tomorrow Land Use Plan designates the Property as Low/Medium Density Residential. The proposed rezoning is not in conformance with said Plan and would require amending the Property to an Industrial designation. The Plan does not contemplate additional industrial use or development in the area.
- c. The character of the surrounding area is best suited by residential uses, and thus the proposed rezoning is not consistent with the character of the surrounding area.
- d. 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 11, 2016, at 5:00 p.m. in the Council Chambers at the Municipal Services Center, 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 Gatto TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2016-00073)

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	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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