★ Roll Call Number 16-1083
,

Agenda	Item Nur	nber /
	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 ______ 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)

Roll Call Nur		Agenda Item Number
16-10	83	<u> 58</u>
ite June 27, 2016		•
	-2-	
b.	* *	sidential. The proposed rezoning is not could require amending the Property to an not contemplate additional
c.	The character of the surrounding area thus the proposed rezoning is not con surrounding area.	is best suited by residential uses, and
d.	If the application of the existing zoning	ng regulations has the effect of denying perty, then the appropriate remedy is to Adjustment.
	Alternative B	
and Legal Departs	il Chambers at the Municipal Services	blic hearing until July 11, 2016, at 5:00 Center, and to direct the City Manager on to APPROVE the rezoning subject to TO ADOPT.
DRM APPROVED:	Frank	·
ilenna K. Frank, Ass	istant City Attorney	(ZON2016-00073)
NOTE OF CO	4	roposed rezoning due to the Commission's

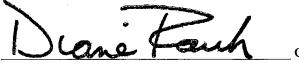
COUNCIL ACTION	YEAS	NAYS	PASS .	ABSENT
COWNIE	V			
COLEMAN	V			
GATTO	V			
GRAY				
HENSLEY	V			
MOORE				
WESTERGAARD	V			

TOTAL

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