



Roll Call Number

Agenda Item Number

16-1155

49

Date July 11, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM CHILDREN AND FAMILIES OF IOWA TO REZONE PROPERTY LOCATED AT 1011 PARK AVENUE**

**WHEREAS**, on June 27, 2016, by Roll Call No. 16-1049, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Children and Families of Iowa (owner), represented by Janice Lane (officer), to rezone property located at 1011 Park Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow conversion of the existing supervised group residence to professional offices for agency human services staff, subject to the following conditions:

1. Only the following uses of land and structures shall be permitted on the Property:
  - a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
  - b. Office use by professionals subject to State of Iowa licensing requirements.
2. Any signage on the Property shall be limited to a freestanding monument sign not to exceed 8 feet in height or 24 square-feet in size.
3. Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties; 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 locally known as 1011 Park Avenue, legally described as:

Lot 15 SOUTHGATE, except for the East 18 feet, an Official Plat, all now included in the City of Des Moines, Polk County, Iowa.

from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow conversion of the existing supervised group residence to professional offices for agency human services staff, subject to the conditions stated above as



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agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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 Limited "C-1" Neighborhood Retail Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-1" Neighborhood Retail Commercial District, with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2016-00133)

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