



Roll Call Number

17-1500

Agenda Item Number

52

Date August 28, 2017

**RESOLUTION CONTINUING HEARING ON REQUEST FROM  
BRIAN JOHNSON TO REZONE PROPERTY LOCATED AT 1916 DEAN AVENUE**

**WHEREAS**, on July 24, 2017, by Roll Call No. 17-1240, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 6, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Brian Johnson (owner) to rezone property located at 1916 Dean Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow the split-zoned Property to be used legally for the owner's existing roofing contractor business, subject to conditions stated in said Roll Call; and

**WHEREAS**, on July 24, 2017, by Roll Call No. 17-1240, it was duly resolved by the City Council that the application of Brian Johnson to rezone the Property, legally described as follows, be set down for hearing on August 14, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center:

(Except the South 206 feet) The West 148.25 feet of Lot 21 of the OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 2 - TOWNSHIP 78 - RANGE 24, 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 amendment to the Zoning Ordinance; and

**WHEREAS**, on August 14, 2017, by Roll Call No. 17-1425, said hearing was opened and continued to the August 28, 2017 Council meeting in order to obtain the Acceptance of Rezoning Ordinance from the applicant and/or to resolve any concerns related thereto; and

**WHEREAS**, following said continuance, it was determined by the applicant and Community Development Department staff that the proposed rezoning contained a condition limiting the use of the Property in a manner that is not consistent with the applicant's planned use of the Property as a vehicle display lot; and

**WHEREAS**, the applicant and City staff have agreed that the hearing should be continued in order to resubmit the request for rezoning to the Plan and Zoning Commission on September 7, 2017, and to republish notice of the hearing to correctly identify the proposed use of the Property, and thus City staff recommends a continuation of the public hearing to the September 25, 2017 Council meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, that:



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1. The public hearing regarding rezoning of the Property from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District is hereby opened and continued to September 25, 2017 at 5:00 p.m. at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.

2. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying corrected form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 41.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00102)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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