



Roll Call Number

18-0354

Agenda Item Number

25 ✓

Date March 8, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM CREIGHTON PENNEY D/B/A MID IOWA TOWING TO REZONE A PORTION OF PROPERTY AT 109 EAST 28TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2018, its members voted 8-0 in support of a motion to recommend DENIAL of a request from Creighton Penney d/b/a Mid Iowa Towing (owner) to rezone property at 109 East 28th Street from "M-1" Light Industrial District to "M-2" Heavy Industrial District, to allow the property to be used for outdoor storage of inoperable vehicles as part of a towing contractor business; and

WHEREAS, following said hearing, the applicant has amended its request for rezoning to include only that portion of the property known as Polk County Assessor District/Parcel No. 050/02139-001-002 ("Property"); and

WHEREAS, Polk County Assessor District/Parcel No. 050/02139-001-002 is within property legally described as follows:

Lot 65 (except the North 21 feet thereof), Lots 66, 67, 68, 69 and 70 in Block "J" and all that part of the North and South alley in Block "J" which lies between the South line of Lot 65 and the North line of the Chicago Rock Island Pacific Railway Right-Of-Way, all in HARTLEY'S ADDITION TO GRANT PARK, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa; and Lot 2, ROLLINS HOISERY PLACE REPLAT, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on March 19, 2018, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying 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 414.4 of the Iowa Code.

FORM APPROVED:

MOVED BY Gatto TO ADOPT.

Glenna K. Frank, Assistant City Attorney

(ZON2018-00008)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk