



Roll Call Number

18-0621

Agenda Item Number

56B

Date April 9, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM ANGEL GROFF TO REZONE 2200 EASTON BOULEVARD

WHEREAS, on March 19, 2018, by Roll Call No. 18-0461, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 1, 2018, its members voted 10-0 in support of a motion to recommend DENIAL of a request from Angel Groff (owner) to rezone property at 2200 Easton Boulevard ("Property") from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display; and

WHEREAS, on March 19, 2018, by Roll Call No. 18-0461, it was duly resolved by the City Council that the application of Angel Groff to rezone the Property, legally described as follows, be set down for hearing on April 9, 2018 at 5:00 p.m. in the Council Chamber at the Council Chambers:

Lot 16 and 17 in Block 15 EASTON PLACE, an Official Plat 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 "C-2" General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Westergaard 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 "C-2" General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display.

★ Roll Call Number
18-0621

Agenda Item Number
56B

Date April 9, 2018

- b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential, which is not in conformance with the proposed Community Mixed Use use of the Property as stated above.
- c. 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 April 23, 2018, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 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(s).

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2018-00015)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-4.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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