



Roll Call Number

18-0807

Agenda Item Number

46

Date May 7, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM 1350 E. WASHINGTON, LLC TO REZONE PROPERTY AT 1350 EAST WASHINGTON AVENUE

WHEREAS, on April 23, 2018, by Roll Call No. 18-0685, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on April 5, 2018, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from 1350 E. Washington, LLC (owner), represented by Christian DenOuden (officer), to rezone property locally known as 1350 East Washington Avenue (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “R-3” Multiple-Family Residential District, to allow use of the existing building to be converted to a multi-family dwelling, subject to the following rezoning conditions:

1. The total number of residential units developed on the Property shall not exceed 8 units;
2. Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings;
3. Any conversion of the building to residential use shall comply with all applicable Building Codes, with all necessary permits, and with Certificate of Occupancy issued by the Permit and Development Center; and

WHEREAS, on April 23, 2018, by Roll Call No. 18-0685, it was duly resolved by the City Council that the application of 1350 E. Washington, LLC to rezone the Property, as legally described below, be set down for hearing on May 7, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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 1350 East Washington Avenue, legally described as:

Lot 232 (except the East 7 feet and the South 13 feet) in UNION ADDITION, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from “R1-60” One-Family Low-Density Residential District to Limited “R-3” Multiple-Family Residential District, to allow use of the existing building to be converted to a multi-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an



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Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their 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 "R-3" Multiple-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "R-3" Multiple-Family Residential District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

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

(ZON2018-00027)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

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 Mayor

Diane Rauh City Clerk