



Roll Call Number

18-0817

Agenda Item Number

49B

Date May 7, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM SMITH HOME RESTORATIONS, LLC TO REZONE 1107 24<sup>TH</sup> STREET

WHEREAS, on April 23, 2018, by Roll Call No. 18-0686, 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 DENIAL of a request from Smith Home Restorations, LLC (purchaser), represented by Tina Smith (officer) to rezone property at 1107 24<sup>th</sup> Street ("Property") from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District, to allow for use of the Property for a three-unit multiple-family dwelling; and

WHEREAS, on April 23, 2018, by Roll Call No. 18-0686, it was duly resolved by the City Council that the application of Smith Home Restorations, LLC to rezone the Property, legally described as follows, be set down for hearing on May 7, 2018 at 5:00 p.m. in the Council Chamber at the Council Chambers:

The South 35 feet of the North 75 feet of Lots 48 and 49 in DRAKE UNIVERSITY'S THIRD ADDITION TO DES MOINES, 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 "R-4" Multiple-Family Residential District, to allow for use of the Property for a three-unit multiple-family dwelling, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Mendelbaum 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 12-0 to recommend denial of the requested rezoning of the Property to "R-4" Multiple-Family Residential District, to allow for use of the Property for a three-unit multiple-family dwelling.

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- b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low-Medium Density Residential, which is not in conformance with the proposed High Density Residential 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 May 21, 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, Assistant City Attorney

(ZON2018-00028)

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

MOTION CARRIED

APPROVED

 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.

 City Clerk