



Roll Call Number

18-1153

Agenda Item Number

17

Date July 9, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM KENNETH L. LAWLER TO REZONE PROPERTY AT 4455 AND 4465 HUBBELL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2018, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Kenneth L. Lawler d/b/a Great Plains Garden Center, Inc. (owner), to rezone property locally known as 4455 and 4465 Hubbell Avenue ("Property") from "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow use of the Property for commercial daycare center and a residential dwelling, subject to the following rezoning conditions:

- 1. Sidewalks shall be constructed along the adjoining public street frontages as required and allowed by Traffic Engineering with any Site Plan development.
2. Vehicular driveway access for the property shall only be developed from East 44th Street.
3. Any change of use of the existing building shall require a review of a Site Plan and Commercial Building Plans with approval and issuance of all necessary permits by the City's Permit and Development Center.
4. The following uses of the property shall be prohibited:
a. Adult Entertainment Business,
b. Off-Premises Advertising Signs,
c. Vehicle Display Lots,
d. Businesses Selling Liquor,
e. Pawn Brokers,
f. Delayed Deposit Services; and
g. Taverns/Nightclubs; and

WHEREAS, the Property to be rezoned is legally described as follows:

LOT 7 AND THE WEST 60 FEET OF LOT 8 (EXCEPT THE WEST 2.0 FEET LYING ADJACENT TO AND PARALLEL TO THE SOUTH ROW LINE OF U.S. HIGHWAY 6) OF CAPITOL HEIGHTS, PLAT NO. 2, AN OFFICIAL PLAT, ALL 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 Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on July 23, 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.

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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00088)

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