



Roll Call Number

18-1190

Agenda Item Number

45B

Date July 9, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM LEE ROSE, LLC TO REZONE 2701 AND 2703 EAST GRAND AVENUE

WHEREAS, on June 25, 2018, by Roll Call No. 18-1068, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 7, 2018, its members voted 12-0 in support of a motion to recommend DENIAL of a request from Lee Rose, LLC (owner) d/b/a Des Moines Comfort, Inc., represented by Lee Rose, Jr. (officer), to rezone property at 2701 and 2703 East Grand Avenue ("Property") from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mechanical contractor shop use on the Property; and

WHEREAS, on June 25, 2018, by Roll Call No. 18-1068, it was duly resolved by the City Council that the application of Lee Rose, LLC to rezone the Property, legally described as follows, be set down for hearing on July 9, 2018 at 5:00 p.m. in the Council Chamber at the Council Chambers:

THE EAST 22 FEET OF LOT "B" IN WILLIAM T. SMITH'S GRAND AVENUE ADDITION TO GRANT PARK, AN OFFICIAL PLAT, AND LOT 1 IN BLOCK 19 IN FARWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY.

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 expansion of the existing mechanical contractor shop use on the Property, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by _____ to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:



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- a. The City Plan and Zoning Commission voted 12-0 to recommend denial of the requested rezoning of the Property to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mechanical contractor shop use on the Property.
- 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 Neighborhood 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 Gatto to continue the public hearing until July 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).

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00080)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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