



Roll Call Number

18-1630

Agenda Item Number

49

Date September 24, 2018

**RESOLUTION HOLDING HEARING ON REQUEST FROM INDIGO DAWN, LLC
TO REZONE PROPERTY AT 1345 7TH STREET**

WHEREAS, on September 10, 2018, by Roll Call No. 18-1503, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 16, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Indigo Dawn, LLC (owner), to rezone property locally known as 1345 7th Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District, to allow conversion of the existing vacant building on the Property to a two-family dwelling, subject to the following rezoning conditions:

1. Vehicular access to the Property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblin shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building on the Property.
2. The existing building on the Property shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling; and

WHEREAS, on September 10, 2018, by Roll Call No. 18-1503, it was duly resolved by the City Council that the application of Indigo Dawn, LLC to rezone the Property, as legally described below, be set down for hearing on September 24, 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 1345 7th Street, legally described as:

LOT 22 GRAND PARK, 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-2" Two-Family Residential District, to allow conversion of the existing vacant building on the Property to a two-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an 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.



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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-2" Two-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-2" Two-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 Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00139)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

J. M. Franklin, Mayor

Diane Rauh, City Clerk