



Roll Call Number

18-1838

Agenda Item Number

22

Date November 5, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM BOYER & BOYER, LLC TO REZONE PROPERTY LOCATED AT 2900 EASTER LAKE DRIVE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 18, 2018, its members voted 8-0 in support of a motion to recommend APPROVAL of a request from Boyer & Boyer, LLC (purchaser), represented by Blake Boyer, to rezone property locally known as 2900 Easter Lake Drive ("Property") from "R1-90" Large-Lot One-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow continuation of the existing daycare center on the Property, subject to the following rezoning conditions:

- 1. Permitted uses shall only include those as allowed in the "R1-90" District and a daycare center.
2. Any use of the Property for a daycare center shall comply with requirements for a change of occupancy under the applicable Building and Fire Codes and shall comply with an approved Site Plan, with permits issued by the Permit and Development Center; and

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

THE NORTH 380 FEET OF THE SOUTH 430 FEET OF THE EAST 340 FEET OF THE WEST 1000 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. CONTAINING 2.966 ACRES, MORE OR LESS.

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 November 19, 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.

FORM APPROVED BY

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

MOVED BY

Gatto

TO ADOPT.

(ZON2018-00198)

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

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. Frankin Cownie Mayor

Diane Rauh City Clerk