



Roll Call Number

19-0232

Agenda Item Number

39B

Date February 11, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM AGAPE PREGNANCY CENTER TO REZONE PROPERTY LOCATED AT 2008 AND 2222 BENNETT AVENUE

WHEREAS, on January 28, 2019, by Roll Call No. 19-0127, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend APPROVAL of a request from Agape Pregnancy Center (owner), represented by Stephen Siemens (officer), to rezone property in located at 2008 and 2222 Bennett Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial-Residential District, to allow conversion of an existing supervised group residence to medical and professional counseling offices; and

WHEREAS, on January 28, 2019, by Roll Call No. 19-0127, it was duly resolved by the City Council that the application of Agape Pregnancy Center to rezone the Property, as legally described below, be set down for hearing on February 11, 2019 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 2008 and 2222 Bennett Avenue, legally described as:

LOTS 5, 6, 7 AND 8, HAWKEYE LAND COMPANY'S ADDITION 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 "C-0" Commercial-Residential District, to allow conversion of an existing supervised group residence to medical and professional counseling offices.

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 "C-0" Commercial-Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to "C-0" Commercial-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.

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MOVED BY Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2018-00253)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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