



**Roll Call Number**

20-1768

**Agenda Item Number**

25

**Date** November 9, 2020

**RESOLUTION SETTING DATE OF HEARING TO CORRECT THE CONDITIONS OF A LIMITED "I1" ZONING APPROVED PURSUANT TO ORDINANCE NO. 15,930 ON OCTOBER 5, 2020, REGARDING PROPERTY LOCATED AT 2025 EAST GRAND AVENUE.**

**WHEREAS**, on September 14, 2020, by Roll Call No. 20-1442, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Lil Brother Construction, LLC (Purchaser), represented by Jean Jones (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2025 East Grand Avenue ("Property") from Low Density Residential to Industrial to allow rezoning to I1 Industrial to allow reuse and expansion of the existing building and site for "Office, Business and Industrial Service, Light" use for a construction and home repair contractor business. The subject property is owned by Cypress Properties, LLC; and

**WHEREAS**, pursuant to said communication, the City Plan and Zoning Commission further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Lil Brother Construction, LLC (Purchaser), represented by Jean Jones (officer), to rezone the Property, legally described as follows:

LOTS 6 THROUGH 10 IN BLOCK 23 OF SUNNYSIDE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

from "RX1" Mixed Use District to "I1" Industrial District for the above-stated purpose.

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the place and time for hearing on said proposed rezoning to be on October 5, 2020; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning both for and against, were given opportunity to be heard with respect thereto and have presented their views to the City Council, at the hearing; and

**WHEREAS**, the resolution of hearing was adopted by roll call no. 20-1612 but the ordinance No. 15,930 adopted by roll call no. 20-1613 rezoning the Property inadvertently omitted some conditions of approval recommended by the Plan and Zoning Commission.

**WHEREAS**, the corrected conditions for the rezoning of Property are as follows:

1. The site shall be brought into conformance with the current landscaping standards with any site plan; and



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2. Outdoor storage shall not be the principle use and shall only be allowed as an accessory use in accordance with provisions for accessory outdoor storage areas.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the meeting of the City Council at which the proposed adoption of a corrected ordinance is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on November 23, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
2. 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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Boesen TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(ZON2020-00088)

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

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik

City Clerk