

★ Roll Call Number

20-1967

Agenda Item Number

58

Date November 23, 2020

**RESOLUTION HOLDING 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, 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, 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
2. Outdoor storage shall not be the principal use and shall only be allowed as an accessory use in accordance with provisions for accessory outdoor storage areas.

**WHEREAS**, corrective steps to adopt the rezoning with conditions were commenced whereby the City Council on November 9, 2020, by Roll Call No. 20-1768, duly resolved that the corrective ordinance adoption be set down for hearing on November 23, 2020 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

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WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and 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 with Conditions the Property locally known as 2025 East Grand Avenue, legally described as:

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 and subject to the corrected conditions

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 amendment to the rezoning of the Property to Limited "I1" Industrial District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "I1" Industrial District, 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 Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse (ZON2020-00088)  
 Judy K. Parks-Kruse,  
 Assistant City Attorney

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

MOTION CARRIED APPROVED  
J. M. Franklin Cownie  
 Mayor

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.

P. Kay Cmelik  
 City Clerk