



Roll Call Number

13-1757

Agenda Item Number

45

Date November 4, 2013

RESOLUTION CLOSING HEARING AND CONDITIONALLY APPROVING REQUEST FROM OFIR CARMİ (PURCHASER) TO REZONE PROPERTY LOCATED AT 6220 GRAND AVENUE FROM THE "FW" FLOODWAY DISTRICT TO THE "U-1" FLOODPLAIN DISTRICT TO ALLOW FOR CONSIDERATION OF A CONDITIONAL USE FOR AN AMUSEMENT ENTERPRISE BUSINESS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 19, 2013, its members voted 12-2 in support of a motion to recommend DENIAL of a request from Ofir Carmi (purchaser) to rezone property located at 6220 Grand Avenue more specifically described as follows:

Lot 4, Morrowdale Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "FW" Floodway District to a "U-1" Floodplain District to allow for consideration of a Conditional Use approval for an amusement enterprise business to allow reuse of the existing vacant go-kart track and miniature golf amusement complex; and APPROVAL of rezoning the portion of the site that is located outside of the federally designated floodway to "U-1" District as demonstrated by a Land Surveyor licensed with the State of Iowa; and,

WHEREAS, the applicant has provided a survey which identifies the portion of the Property that lies outside the federally designated floodway; and.

WHEREAS, on October 21, 2013 by Roll Call No. 1628, the City Council set a public hearing on the proposed rezoning for November 4, 2013 at 5:00 p.m. in the Council Chambers; and,

WHEREAS, notice of the public hearing was published in the Des Moines Register according to law on October 24, 2013, setting forth the time and place for hearing on the proposed rezoning; and

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to City Council.

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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited DD2 District are hereby overruled, and the hearing is closed.



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2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, if limited to the portion of the Property that lies outside the federally designated floodway.

3. The rezoning of that portion of the Property that lies outside the federally designated floodway from the "FW" Floodway District to a "U-1" Floodplain District, is hereby approved.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk