



Roll Call Number

21-0142

Agenda Item Number

59

Date January 25, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM CAMPBELL’S HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT 3104 EAST COURT AVENUE

WHEREAS, on January 11, 2021, by Roll Call No. 21-~~0016~~ the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 17, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Campbell’s Holdings, LLC (owner), represented by Eric Campbell (officer), to rezone the real property locally known as 3104 East Court Avenue (“Property”) from ‘N5’ Neighborhood District to ‘I1’ Industrial District, to allow the property to be used for industrial uses such as outdoor storage, subject to the following condition:

1. That there shall be no residential use upon the Property; and

WHEREAS, on January 11, 2021, by Roll Call No. 21-~~0016~~ it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on January 25, 2021 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 rezoning; 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 3104 East Court Avenue, legally described as:

THE WEST 419.4 FEET OF LOT TWO (2) OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 23, WEST OF THE 5TH P.M., POLK COUNTY, IOWA,

to ‘I1’ Industrial District, subject to the condition that there shall be no residential use upon the Property.

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

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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the rezoning of the Property to 'I1' Industrial District subject to the condition that there shall be no residential use upon the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to 'I1' Industrial District subject to the condition that there shall be no residential use upon the Property, 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
 Judy K. Parks-Kruse
 Assistant City Attorney

(ZON2020-00150)

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