



Roll Call Number

15-0966

Agenda Item Number

60

Date June 8, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM DESMOINESARTS, INC. TO REZONE PROPERTY LOCATED AT 900 AND 1000 KEOSAUQUA WAY FROM "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO LIMITED "C-3" CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT

WHEREAS, on May 18, 2015, by Roll Call No. 15-0812, City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 7, 2015, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from DesMoinesArts, Inc. (owner), represented by Justin Mandelbaum (officer), to rezone property locally known as 900 and 1000 Keosauqua Way ("Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "C-3" Central Business District Commercial District, to allow conversion of the existing five-story office building to artist studio space and assembly/exhibit space, subject to the following conditions:

1. Any renovation to the building shall be in compliance with the applicable building and fire code with issuance of any necessary permits by the Permit and Development Center.
2. Any future site modifications or redevelopment shall be based on review and approval of a site plan by the Community Development Director; and

WHEREAS, on May 18, 2015, by Roll Call No. 15-0812, it was duly resolved by the City Council that the application of DesMoinesArts, Inc. (owner) to rezone the Property, as legally described below, be set down for hearing on June 8, 2015 at 5:00 P.M., in the Council Chamber 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 900 and 1000 Keosauqua Way, legally described as:

Lots 4, 5, 6, 7 and 8, OAKRIDGE PLAT II, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from "C-2" General Retail and Highway-Oriented Commercial District to Limited "C-3" Central Business District Commercial District to allow conversion of the existing five-story office building to artist studio space and assembly/exhibit space, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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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 Limited "C-3" Central Business District Commercial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-3" Central Business District Commercial District with conditions as set forth above is found in conformance with the existing Des Moines' 2020 Community Character Plan designation of High Amenity Office/Institutional, and the proposed rezoning is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2015-00044)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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