

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. 12
For Meeting of 07/16/07

ITEM TITLE: Public Hearing on rezone of Colby Park

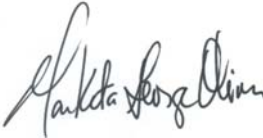
CONTACT PERSON: Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

Currently the City's Public Works facility and Colby Park both exist in an R-4 residential district. The City has recently discovered that Public Works is neither a conditional or permitted civic use in an R-4 district. This means that should the Public Works facility burn down, the City could not rebuild it on the current site without a zoning change. In addition, the performance stage being constructed in the near future at Colby Park is neither a permitted or conditional use, as it is classified as a public assembly use.

The City has initiated the petition to rezone these two parcels into a more appropriate zoning classification. Under the petition, the property, which is currently classified as Multiple-Family Residential (R-4), would be conditionally rezoned as General Commercial-Restricted (GC-R) with permitted uses being public works, parks and recreation, and public assembly.

The conditional rezone being proposed allows the zoning classification to change, but allows the City to restrict the types of operations allowed on the site to these civic uses. The Planning and Zoning Commission held a public hearing on May 29th and recommends approval of the conditional rezone petition.

<input checked="" type="checkbox"/> Resolution _____ <input type="checkbox"/> Ordinance _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Other (Specify) _____
Funding Source _____
 APPROVED FOR SUBMITTAL _____
City Administrator

STAFF RECOMMENDATION: Hold public hearing and approve conditional rezone

Ordinance 07-02

AN ORDINANCE AUTHORIZING THE REZONING (ZONING MAP AMENDMENT) OF CITY OWNED REAL ESTATE FROM "R-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO "GC-R" GENERAL COMMERCIAL-RESTRICTED PERMITTING ONLY CIVIC USES ALLOWED IN THE GENERAL COMMERCIAL DISTRICT

SECTION 1. Purpose. The purpose of this ordinance is to amend the official zoning map of the City of Windsor Heights.

SECTION 2. Amendment. Pursuant to Chapter 41.29 of the Windsor Heights City Code, the Official Zoning Map of the City of Windsor Heights, Iowa is amended as described below:

Chapter 414.5 of the Code of Iowa authorizes the City Council to impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to by the property owner.

The City of Windsor Heights agrees that the official zoning map may be conditionally amended to classify those parcels described in Exhibit A as General Commercial-Restricted with permitted uses limited to those civic uses described in Table 4-2 of the Windsor Heights Cit Code Chapter 41: Zoning Code for a General Commercial District.

The real estate legally described at "Exhibit A", is hereby rezoned and reclassified to General Commercial-Restricted with permitted uses limited to those civic uses described in Table 4-2 of the Windsor Heights Cit Code Chapter 41: Zoning Code for a General Commercial District under Chapter 41.113 of the City Code of Windsor Heights, as amended from time to time, and the zoning map is concurrently amended to depict said rezoning.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this xxth day of xxx, xxxx and xxth day of xxx, xxxx.

David J. Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator

CLERK'S CERTIFICATE – Ordinance 07-02

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the xxth day of xxx, xxxx, approved as provided by law on the xxth day of xxx, xxxx and published as provided by law on the xxth day of xxx, xxxx, at 8:00 a.m.

Marketa George Oliver, City Clerk

Exhibit A

Lot 46, except the East 410 feet, Lot 47, except the East 410 feet, Lot K, except the East 410 feet, and that part of Lot 48, in Windsor Place, an Official Plat now included in and forming a part of the Town of Windsor Heights, Polk County, Iowa, that lies North of a line beginning at a point 575 feet South of the Northwest Corner of Lot 47 in said Windsor Place, on the West line of said Lot 48, thence Southeasterly to a point on the East line of Lot 48, which is 625 feet south of the North line of said Lot 47, and except that part deeded to the State of Iowa in the Book 3808, Page 451.

And

A tract of land located in Lots 48 and 49 of Windsor Place and Out Lot X of Windsor Park, Official Plats, in Windsor Heights, Polk County, Iowa, described as follows:

Commencing at the NE Corner of Lot 1 of said Windsor Park; thence southerly 125 feet; thence southerly 330 feet on the east line of Lot 84, 85, 86, 87 and 88 of Windsor Park; thence westerly 885 feet to the Point of Beginning; thence southeasterly to a point 200 feet westerly from the SE Corner of said Out Lot X; thence westerly to a point 500 feet westerly and 33 feet northerly of the SE Corner of Lot 49 of said Windsor Place; thence northerly to a point 500 feet west and 108 feet north of the SE Corner of said Lot 49; thence northwesterly to a point on the northwesterly line of said Lot 49 which is 160 feet normally distant northerly from the south line of said Lot 49; thence to a point on the southeasterly line of Lot 48, which is 80 feet northeasterly of the southeasterly corner of said Lot 48; thence northwesterly to a point on the West line of said Lot 48, which is 155 feet northerly of the southwest corner of said Lot 48; thence easterly to the Point of Beginning, containing 4.9 acres, more or less.

And

Beginning at the Northeast Corner of Lot 47 in Windsor Place, an Official Plat, Polk County, Iowa; thence South 625 feet; thence West parallel to the North line of Lot 47, 410 feet; thence North 625 feet to the North line of Lot 47; thence East 410 feet to place of beginning, subject to easement of record over the North 25 feet for street purposes.