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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: July 12, 2010 |
| | Agenda Item No. 32 Roll Call No. <u>10-1151</u> Communication No. <u>10-420</u> Submitted by: Phil Delafield, Acting Community Development Director |

AGENDA HEADING:

Second reading regarding a request from 400 SE 6th , Inc. to rezone 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions.

SYNOPSIS:

In accordance with the first reading of an ordinance approved by the City Council on June 28, 2010, staff recommends approval of second and third consideration of the rezoning ordinance subject to the existing prohibition of uses listed in Section 134-1006[1][a]-[j] and prohibition of the following uses:

1. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
2. Auction businesses.
3. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
4. Lumberyards, retail and wholesale.
5. Machine shops.
6. Package goods stores for the sale of alcoholic beverages.
7. Pawnshops.
8. Printing, publishing houses and lithographing shops.
9. Plumbing and heating shops.
10. Miniwarehouse uses.
11. Taverns and night clubs.
12. Warehousing.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

On June 28, 2010 the City Council voted 7-0 to approve the first reading of an ordinance to rezone 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions. The Mayor and City Council also requested information regarding the conformance of the

proposed rezoning with the proposed Lower East Village (Market District) Urban Design Study and long range plans for the area.

The subject property is located at the southwest corner of Southeast 6th Street and Raccoon Street. The property is currently designated for Support Commercial use on the 2020 Community Character Plan Land Use Map. The Lower East Village Urban Design Study suggests that a mixed use building for shopping, business or trade be developed in the future on the subject property and adjoining properties (currently owned by the City). In the interim, the owner of 400 SE 6th Street proposes to convert the existing single-family dwelling to a restaurant use. Such a use is currently permitted in the M-1, Light Industrial district but the applicant is unable to provide off-street parking on their property as required by the M-1 district.

The applicant requested to buy or lease adjoining property from the City for an off-street parking lot for the proposed restaurant. However, staff was concerned that such a lease for a surface parking lot would not be consistent with the long-term vision of the Market District and the applicant was told that the adjoining City land was not available for such a purpose at this time.

The applicant subsequently requested zoning to the C-3B district as it is the zoning district currently proposed for the existing C-3, Central Business District portions of East Village and is one of the districts that staff is considering for future rezoning of the Market District south of the East Village.

The intent of the Market District is to complement and foster the existing districts in the area and make connections to adjacent areas and neighborhoods, including the Historic East Village. The C-3B district does not require provision of off-street parking which is consistent with the existing and proposed zoning of the East Village and downtown Des Moines. In exchange for the benefit of the parking provision, the C-3B district requires site plan review and approval by the Plan and Zoning Commission. In addition, the applicant has voluntarily agreed to prohibit uses of the property as noted in the Executive Summary.

Staff believes that the proposed Limited C-3B zoning adequately protects the City's interests to achieve the long term vision of the Lower East Village Urban Design Study.

PREVIOUS COUNCIL ACTION(S):

Date: June 28, 2010

Roll Call Number: 10-1064 and 10-1065

Action: Public Hearing and first reading on a request from 400 SE 6th, Inc. to rezone 400 SE 6th Street from "M-1" (Light Industrial) to "Ltd. C-3B" (Central Business Mixed Use), subject to conditions. Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance; refer to the City Manager to provide information regarding appropriateness of the rezoning. Motion Carried 7-0.

Date: June 14, 2010

Roll Call Number: 10-902

Action: Setting date of Hearing for consideration of a request from 400 SE 6th, Inc. to rezone 400 SE 6th Street from “M-1” (Light Industrial) to “Ltd. C-3B” (Central Business Mixed Use), subject to conditions. Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: June 3, 2010

Roll Call Number: ZON2010-00082.

Action: The Plan and Zoning Commission voted 12-0 to recommend that the request for Limited C-3B zoning for property located at 400 SE 6th Street is in conformance with the Des Moines’ 2020 Community Character Plan (12-0) and voted 12-0 to recommend approval of the request to rezone subject property from “M-1” Light Industrial District to a Limited “C-3B” District subject to the existing prohibition of uses listed in Section 134- Section 134-1006[1][a]-[j] and prohibition of the following uses:

1. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
2. Auction businesses.
3. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
4. Lumberyards, retail and wholesale.
5. Machine shops.
6. Package goods stores for the sale of alcoholic beverages.
7. Pawnshops.
8. Printing, publishing houses and lithographing shops.
9. Plumbing and heating shops.
10. Miniwarehouse uses.
11. Taverns and night clubs.
12. Warehousing.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Third reading of the ordinance unless waived by the City Council (requires a 6/7th vote).

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