

★ **Roll Call Number**

Agenda Item Number

54A

Date April 6, 2009

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 118 Southeast 4th Street from M-1 Light Industrial District to Limited C-3A Central Business District Support Commercial District classification.

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)



 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

 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.

 City Clerk

54A

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 118 Southeast 4th Street from M-1 Light Industrial District to Limited C-3A Central Business District Support Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 118 Southeast 4th Street, more fully described as follows, from M-1 Light Industrial District to Limited C-3A Central Business District Support Commercial District classification:

South .4 Feet Vacated East/West Alley Right-of-Way North and Adjoining, and North 16 Feet Vacated East Market Street Right-of-Way South and Adjoining, and All Lots 7 and 8, Block 4, Scott & Deans Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.


Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. Adult entertainment businesses.
2. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
3. Mobile home parks.
4. Off-remises advertising signs.
5. Pawnshops.
6. Used car lots, except as accessory use to new vehicles dealership.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

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Request from East 4 th Street, LLC (owner) represented by Mike Kinter (officer) to rezone property located at 118 Southeast 4 th Street.			File # ZON2009-00009	
Description of Action	Rezone property from "M-1" Light Industrial District to "C-3A" Central Business District Support Commercial District, to allow conversion of existing warehouse/industrial space to office/retail within a property that has limited capacity for expansion of off-street parking.			
2020 Community Character Plan	Downtown: Support Commercial			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"M-1" Light Industrial District			
Proposed Zoning District	"C-3A" Central Business District Support Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	2			<20%
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

East 4th Street LLC - 118 SE 4th Street

ZON2009-00009

