



Roll Call Number

09-466

Agenda Item Number

17

Date

March 23, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2009, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from East 4th Street, LLC (owner) represented by Mike Kinter (officer) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan and to rezone property located at 118 Southeast 4th Street, 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 subject to prohibition of the following uses:

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-premise advertising signs.
5. Pawnshops.
6. Used car lots, except as accessory use to new vehicles dealership.

The subject property is more specifically described as follows:

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.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 6, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

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2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Michael F. Kelley
 Michael F. Kelley
 Assistant City Attorney

(ZON2009-00009)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
VLASSIS	✓			
TOTAL	5			2

Thomas Vlassis
 MAYOR PRO TEM

VED

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