



Roll Call Number

09-2046

Agenda Item Number

48

Date November 9, 2009

WHEREAS, on October 26, 2009 by Roll Call No. 09-1916, the City Council of the city of Des Moines duly resolved that the application from ROK Investments, LC to rezone property at 2134 East Grand Avenue from R1-60 One-Family Low Density Residential to a Limited NPC Neighborhood Pedestrian Commercial district classification to allow conversion of legal non-conforming book bindery office use to an event/assembly hall be set for hearing on November 9, 2009 at 5:00 p.m. in council chambers at City Hall; and

WHEREAS, notice of the hearing was published in the Des Moines Register on October 29, 2009 as provided by law, setting forth the time and place for the hearing; and

WHEREAS, pursuant to the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance to rezone the property described below from R1-60 One-Family Low Density Residential to a Limited NPC Neighborhood Pedestrian Commercial district classification, subject to the condition that the applicant agree to the conditions that use of the property may not be used for:

- (1) Off-premises advertising signs;
- (2) Taverns and night clubs;
- (3) Financial institutions whereby a majority of the loans are made based on collateral of future payroll or vehicle titles; and
- (4) Pawn shops.

(except East 12.58 feet measured on South line and East 12.17 feet measured on North Line) Lot 11 and all Lots 12 thru 16, Block 22, Sunnyside Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

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NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property to Limited NPC Neighborhood Pedestrian Commercial district classification are hereby overruled, the hearing is closed, and the proposed rezoning is APPROVED.

Moved by Meyer to adopt and approve the rezoning subject to final passage of the rezoning ordinance with 2 conditions:

1. If the business closes, the City Council will initiate rezoning.
2. A neighborhood meeting is to be held after the business has been open for 3 months, to address any issues.

APPROVED AS TO FORM:

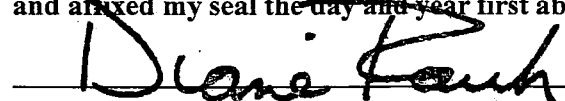

Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1


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

MOTION CARRIED APPROVED


T. M. Franklin
Mayor