



**Roll Call Number**

10-305

**Agenda Item Number**

48B-1

**Date** February 22, 2010

WHEREAS, on February 8, 2010, by Roll Call No. 10-187, it was duly resolved by the City Council that the application of Rollins Mansion, LLC to rezone certain property located in the vicinity of 2801 Fleur Drive, more fully described below, be set down for hearing on February 22, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 11, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Parcel "E", being a part of Lot 16, Casady's Druid Hill Park, an Official Plat; Parcel "E" beginning at the Northeast corner of the West 327 feet of said Lot 16; thence East 21 feet, South 110.04 feet, West 17.59 feet to East line of the West 327 feet of said Lot 16; thence South 120.53 feet, Southwest 51.04 feet, West 28.26 feet, Northwest 67.46 feet, Southwesterly 106.69 feet, West 86.58 feet, North 255.06 feet to the North Line of said Lot 16; thence East 319.68 feet to the Point of Beginning of said Lot 16, as shown on the Plat of Survey recorded in Book 8142, Page 422 of the Polk County Recorder's Office; all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

from the C-O Commercial-Residential District to Limited C-2 General Retail and Highway Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

1. Any modifications to the site, including any building additions, building demolition, or parking lot expansions, shall be in accordance with a site plan as approved by the City's Plan & Zoning Commission and shall, to the extent feasible, respect the historic character of the building.
2. Any additional parking constructed shall be set back at least 10 feet from the northern and eastern boundaries, 25 feet from the southern boundary of the property, and 35 feet from the western boundary.

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3. Any additional parking constructed shall be landscaped in accordance with the Landscape Standards applicable to the "C-2" District.
4. Signage shall be limited to a single monument sign constructed with a brick base to complement the structure and shall not exceed 8 feet in height or 32 square feet in area.
5. Use of the property shall be limited to the following uses:
  - a) Any use as permitted and limited in the "C-0" Commercial-Residential District, except:
    - i. Communication towers.
    - ii. Correctional placement residences.
    - iii. Shelters for the homeless.
    - iv. Agricultural uses.
  - b) Specialty retail, restaurant, and hospitality uses up to 15,000 square feet in gross floor area, such as:
    - i. Antique shops.
    - ii. Apparel shops.
    - iii. Art studios with gallery.
    - iv. Bookstores.
    - v. Camera stores.
    - vi. Confectionary stores, include ice cream or snack bars.
    - vii. Florist shops.
    - viii. Furniture stores.
    - ix. Gift shops.
    - x. Hobby shops.
    - xi. Hotels
    - xii. Jewelry stores.
    - xiii. Leather goods stores.
    - xiv. Music stores.
    - xv. Restaurants
    - xvi. Specialty food stores.
  - c) Music studios.
  - d) Photographic studios, including film developing and retail sales of photographic equipment and supplies.
  - e) Banks, savings and loan associations and similar financial institutions, except those whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

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- f) Business, secretarial or other commercially operated schools for adults, but not including commercial trade schools, such as gasoline, diesel, or marine engine mechanics schools, or truck driving schools.
- g) Ballrooms, dancehalls, and events center, including those with alcohol service in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment.
- h) Physical culture or health establishments.
- i) Auction businesses except for auto auctions.

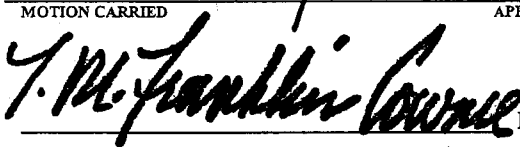
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to Limited C-2 General Retail and Highway Oriented Commercial District classification are hereby overruled, and the hearing is closed.

MOVED by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

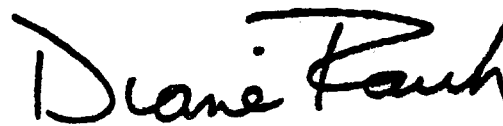
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

  
 T. M. Franklin  
 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.

  
 Diane Rauh  
 City Clerk