

★ Roll Call Number

10-1064

Agenda Item Number

46

Date June 28, 2010

WHEREAS, on June 14, 2010 by Roll Call No. 10-902, it was duly resolved by the City Council that the application of 400 SE 6th Inc., contract purchaser, to rezone certain property located in the vicinity of 400 SE 6th Street, more fully described below, be set down for hearing on June 28, 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 June 17, 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:

East 1/2 of the North 47 feet, Lot 10, Block 43, Town of De Moine, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

from the M-1 Light Industrial to Limited C-3B Central Business Mixed Use District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and are binding upon the owners and their successors, heirs and assigns as follows:

- A. Prohibition of uses listed in Des Moines Municipal Code Section 134-1006[1][a]-[j].
- B. Prohibition of the following additional 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.

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- 8. Printing, publishing houses and lithographing shops.
- 9. Plumbing and heating shops.
- 10. Miniwarehouse uses.
- 11. Taverns and night clubs.
- 12. Warehousing.

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 a Limited C-3B Central Business Mixed Use District are hereby overruled, and the hearing is closed.

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.

FORM APPROVED:

[Signature]
 Michael F. Kelley
 Assistant City Attorney

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

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.

MOTION CARRIED APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk