



Roll Call Number

10-1214

Agenda Item Number

26

Date July 26, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 15, 2010, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Freedom For Youth Ministries (owner) to rezone property located in the vicinity of 2301 Hickman Road, from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions:

1. Any structures shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.
2. Mitigation of any tree removals in accordance with Chapter 42, Article X of the City Code.
3. If mitigation plantings are required staff will work with the applicant to provide "C-2" landscaping along Hickman Road.
4. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
5. Combine all owned commercially zoned parcels into a common parcel and all contiguous owned residentially zoned parcels into a common parcel.
6. The following uses of structures and land shall be prohibited upon the Property:
  - a) Delayed Deposit Services;
  - b) Pawn brokerages;
  - c) Bakeries;
  - d) Restaurants;
  - e) Delicatessens;
  - f) Gas stations;
  - g) Grocery stores;
  - h) Laundrettes and coin-operated dry cleaning establishments;
  - i) Locker plants;
  - j) Automotive accessory and parts stores;
  - k) Upholstery shops; and
  - l) Package goods stores for the sale of alcoholic beverages.
7. Any Site Plan for development of the property must be reviewed by the Plan & Zoning Commission.

( continued )



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-2-

The subject property is more specifically described as follows:

(Except West 222.5 feet), South 180 feet. North 400 feet, Lot 25, Murray Hill, an Official Plat, and also Beginning Southwest Corner, thence North 411.3 feet, East 219.34 feet, South 198 feet, Southwest 188.08 feet, Westerly to Point of Beginning, Lot 22, Official Plat, East 1/2, Northwest 1/4 & Southwest 1/4 Southeast 1/4 & Government Lots 3, 4, 5 & 6, Section 28, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, a portion of Lot 22 in the Official Plat of the East 1/2 of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 and Government Lots 3, 4, 5 and 6, Section 28, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa is described as follows; Commencing at the South 1/4 Corner of said Section 28; Thence North 0 degrees, 0 minutes 0 seconds East along the West line of the Southeast 1/4 of said Section 28, 237.6 feet to the Southwest Corner of said Lot 22 and to the Point of Beginning; Thence continuing North 0 degrees 0 minutes 0 seconds East along the West line of the Southeast 1/4 of said Section 28, said line being the West Line of said Lot 22, 749.7 feet to the Northwest Corner of said Lot 22; Thence South 89 degrees 42 minutes 15 seconds East along the North Line of said Lot 22, 219.34 feet; Thence South 0 degrees 27 minutes 30 seconds West, 538.22 feet; Thence South 15 degrees 36 minutes 34 seconds West, 188.08 feet to a point on the Southerly line of said Lot 22; Thence South 79 degrees 55 minutes 30 seconds West along the Southerly line of said Lot 22, 167.02 feet to the Point of Beginning.

AND, a portion of Lot 1 and a portion of the 8.0 foot wide North-South alley lying West of and adjacent to said Lot 1, all in Fountain Place, an Official Plat and a portion of vacated D.W. Hickman Road later known as Holcomb Avenue in Lot 24 in the Official Plat or Subdivision of Official Plat of Lot 21, Southwest 1/4 of the Southeast 1/4 of Section 28, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa and all of which is more accurately described as follows; Commencing at the South 1/4 corner of said Section 28, said point being on the West line of said Fountain Place; Thence North 0 degrees 0 minutes 0 seconds East along the West line of said Fountain Place, 172.0 feet to the West extension of the South line of Lot 1 in said Fountain Place and to the Point of Beginning; Thence continuing North 0 degrees 0 minutes 0 seconds East along the West line of said Fountain Place and along the West line of Lot 24 in the Official Plat or Subdivision of Official Plat of Lot 21, Southwest 1/4 of the Southeast 1/4 of Section 28, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., 65.6 feet to the Northwest Corner of said Lot 24; Thence North 79 degrees 55 minutes 30 seconds East along the Northerly Line of said Lot 24, 93.7 feet; Thence South 48 degrees 22 minutes 15 seconds West, 123.42 feet to the Point of Beginning.

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

( continued )

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-3-

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 August 9, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.
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:

Roger K Brown  
Roger K. Brown  
Assistant City Attorney

(ZON2010-00102)

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