



Roll Call Number

10-1306

Agenda Item Number

47B

Date August 9, 2010

WHEREAS, on July 26, 2010, by Roll Call No. 10-1213, it was duly resolved by the City Council that the application of Neighborhood Development Corporation, to rezone certain property it owns in the vicinity of 1555 Des Moines Street, more fully described below, be set down for hearing on August 9, 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 July 29, 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:

Except the West 25 feet of the North 90 feet, Lot 16, and all Lot 15, in Block 46, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian 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:

- A. The only uses of structures or land permitted upon the Property shall be those uses allowed in the "C-1" Neighborhood Retail Commercial District, except the following uses which are hereby specifically prohibited:
 - (1) Package goods liquor stores,
 - (2) Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
 - (3) Pawn shops,
 - (4) Bakeries,
 - (5) Restaurants,
 - (6) Delicatessens,
 - (7) Gas stations,
 - (8) Grocery stores,
 - (9) Launderettes and coin-operated dry cleaning establishments,
 - (10) Locker plants,
 - (11) Automotive accessory and parts stores, and
 - (12) Upholstery shops

(continued)

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- B. Any parking lot constructed on the Property shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
- C. Any site development of the Property shall require the owner to legally combine all parcels being developed.
- D. Any parking lot constructed on the Property shall be in accordance with the "C-2" Landscape Standards.

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

1. 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 "NPC" Neighborhood Pedestrian Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

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

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 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