



Roll Call Number

10-1604

Agenda Item Number

54

Date September 27, 2010

WHEREAS, on September 13, 2010 by Roll Call No. 10-1458 the City Council duly resolved that the application of KLM International (contract purchaser) to rezone certain property located in the vicinity of 901 19th Street and 930 18th Street, more fully described below, from R-3 Multiple Family Residential District and R-HD Residential Historic District to Limited NPC Neighborhood Pedestrian Commercial District classification be set down for hearing on September 27, 2010 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on September 16, 2010 as provided by law, setting forth the time and place for hearing on the proposed amendments to the zoning ordinance; and

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

“R-3” to “NPC”

North 30 feet of Lot 72 and all Lots 73 thru 76, West 7 feet of vacated alley lying East of and adjacent to the North 30 feet of Lot 72 and all Lot 73 and all vacated alley lying East of and adjacent to Lots 74 thru 76, T. E. Browns Addition, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

“R-HD” to “NPC”

East 7 feet of vacated alley lying west of and adjacent to the North 30 feet of Lot 81 and all of Lot 80, T. E. Browns Addition, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the R-3 and R-HD to the Limited NPC classification, subject to the following conditions which have been agreed to and accepted in writing by execution of an Acceptance of Rezoning Ordinance by all owners of the properties and which are binding on the owners and their successors, heirs and assigns as follows:

Prohibition of the following uses:

1. Auction businesses.
2. Billiard parlors, pool halls, and game rooms.
3. Communication towers.
4. Delayed deposit services businesses.
5. Gas stations.
6. Off-premises advertising signs.

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- 7. Pawn businesses.
- 8. Package goods stores for the sale of alcoholic beverages.
- 9. Plumbing and heating shops.
- 10. Taverns and nightclubs, including private clubs.

WHEREAS, in accordance with the notice those interested in the proposed rezoning, for and against, have had the opportunity to be heard and have presented their views to the City Council.

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, objections to the proposed rezoning of the Property to Limited NPC classification are hereby overruled, the hearing is closed, and the proposed rezoning is approved.

Moved by Giess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:

Michael F. Kelley
Assistant City Attorney

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

MOTION CARRIED

APPROVED

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.

T. M. Franklin Course Mayor

Diane Rauh City Clerk