

★ Roll Call Number

10-1729

Agenda Item Number

21

Date..... October 25, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2010, its members voted 7-2-2 in support of a motion to recommend **APPROVAL** of a request from William C. Knapp, LC (owner) to rezone property located at 2301, 2311, & 2367 East 14<sup>th</sup> Street, and 1408 & 1410 Guthrie Avenue, from "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District to Limited "C-1" Neighborhood Retail Commercial District subject to the following conditions:

1. Prohibit the following uses of the property:
  - a. automotive and motorcycle accessory and parts stores,
  - b. theatres,
  - c. upholstery shops,
  - d. package goods stores for the sale of alcoholic beverages,
  - e. pawn shops, and
  - f. financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
2. All unused drive approaches shall be removed and the right-of-way shall be restored including the installation of full curbs at such time the property is redeveloped.
3. Any freestanding sign installed shall be a monument type sign.
4. Any trash screening enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with metal gates.
5. The site shall be developed in substantial conformance with the plan that was presented to the Commission.

The subject property is more specifically described as follows:  
(Conditional "R1-60 to Limited "C-1)

Beginning at the Northeast Corner of Lot 18, Sargent Heights, an Official Plat thence South 100.36 feet, West 240.6 feet, Northwest 100.55 feet, East 244.9 feet to Point of Beginning, Lot 18, Sargent Heights.

And

(Except a piece beginning at the Southwest Corner of Lot 18, Sargent Heights, an Official Plat, thence North 50 feet, thence East 19.4 feet, thence Southerly 50.07 feet, thence West 20.2 feet to Point of Beginning), the South 50 feet of Lot 18, Sargent Heights.

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("R1-60 to Limited "C-1")

All Lots 19, 20, 21, Sargent Heights, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

("C-1 to Limited "C-1")

Lot 22, Sargent Heights, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Conditional "C-2 to Limited "C-1")

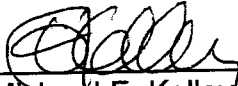
Lots 23, and 24, Sargent Heights, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

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 November 8, 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.

FORM APPROVED:

Moved by Mahaffey to adopt.

  
 Michael F. Kelley  
 Assistant City Attorney

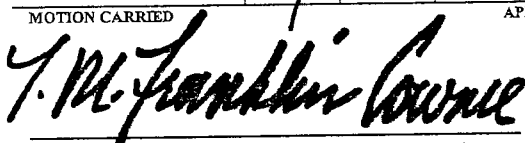
(ZON2010-00166)

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.

  
 T.M. Franklin  
 Mayor

  
 Diane Rauh  
 City Clerk