

★ Roll Call Number

10-1883

Agenda Item Number

57B

November 8, 2010

Date

WHEREAS, on October 25, 2010 by Roll Call No. 10-1729, it was duly resolved by the City Council that the application of William C. Knapp, LC to rezone certain property located in the vicinity of 2301, 2311 and 2367 East 14th Street, and 1406, 1408 and 1410 Guthrie Avenue, more fully described below, be set down for hearing on November 8, 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 October 28, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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:

(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.

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

(C-2 to Limited C-1)

Lots 23, and 24, Sargent Heights, 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, C-1 Neighborhood Retail Commercial District and C-2 General Retail and Highway Oriented Commercial District to Limited C-1 Neighborhood Retail Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of Acceptances of Rezoning Ordinance in writing by all owners of the property and which are binding upon the owners and their successors, heirs and assigns as follows:

(1) Prohibit the following uses of the property:

- a. automotive and motorcycle accessory and parts stores,
- b. theatres,
- c. upholstery shops,

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- 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.

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-1 Neighborhood Retail Commercial 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.

FORM APPROVED:

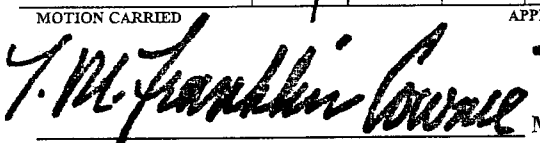

 Michael F. Kelley
 Assistant City Attorney

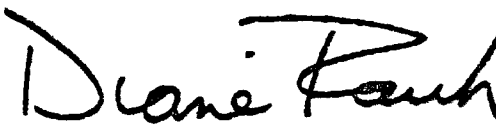
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk

MOTION CARRIED

APPROVED