

11-1597

41

Date September 12, 2011

WHEREAS, on August 29, 2011, by Roll Call No. 11-1446, the City Council duly resolved to consider a proposal from Neighborhood Development Corporation to rezone certain property located in the vicinity of 1938 Southeast 6<sup>th</sup> Street in Des Moines from the C-1A Neighborhood Commercial Reuse District classification to a Limited NPC Neighborhood Pedestrian Commercial District classification, and that such proposal be set down for hearing on September 12, 2011, 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 1, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 1938 Southeast 6<sup>th</sup> Street, more fully described as follows (the "Property"):

Lot 3, South of Hillside Avenue, Sevastopol, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the C-1A Neighborhood Commercial Reuse District classification 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 the Property and is binding upon the owners, and their successors, heirs and assigns:

1. Prohibition of the following uses:
  - a) billiard parlor/game room
  - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - c) financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity,
  - d) gas stations/convenience stores,
  - e) off-premises advertising signs,
  - f) package goods stores for the sale of alcoholic beverages, and
  - g) taverns and nightclubs,
  - h) tattoo parlor
2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

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.

★ Roll Call Number  
11-1597

Agenda Item Number  
41

Date September 12, 2011

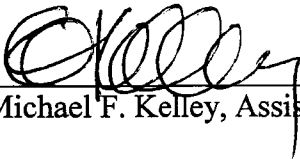
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning 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, subject to the conditions identified below.
3. The proposed rezoning of the Property from the C-1A Neighborhood Commercial Reuse District classification to the Limited NPC Neighborhood Pedestrian Commercial District classification is hereby APPROVED.

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

FORM APPROVED:

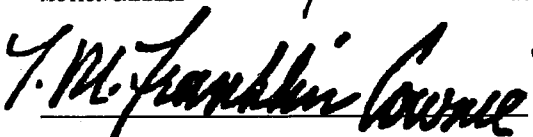
  
 Michael F. Kelley, Assistant City Attorney

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

  
 Y. M. Franklin, Mayor

  
 Diane Rauh, City Clerk