

★ Roll Call Number

12-0835

Agenda Item Number

58 B

May 21, 2012

Date.....

WHEREAS, on May 7, 2012 by Roll Call No. 12-0696, it was duly resolved by the City Council that the application of Julie Bassman (developer) and Jerome T. Bassman (owner) to rezone certain property located in the vicinity of 1228 2<sup>nd</sup> Avenue from the M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to NPC Neighborhood Pedestrian Commercial District classification, more fully described below, be set down for hearing on May 21, 2012, 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 May 10, 2012, 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:

All Lot 141, and the West ½ vacated alley lying East of and adjoining the South 101 feet Lot 142 and the South 101 feet Lot 142, and also the East ½ vacated alley West of and adjoining Lots 149 and 150, and (Except beginning at the Southeast corner of Lot 150 thence West 4.52 feet, Northeast 89.97 feet, South 89.81 feet to the Point of Beginning) Lots 149 and 150, Rutherford Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to NPC Neighborhood Pedestrian Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- (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) delayed deposit services,
  - (d) pawn brokers,
  - (e) gas stations/convenience stores,
  - (f) off-premises advertising signs,
  - (g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
  - (h) taverns and nightclubs.

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- (2) Any submitted Site Plan shall adhere to NPC Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
- (3) 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.


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 NPC District are hereby overruled, and the hearing is closed.

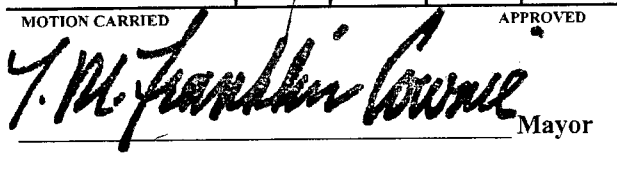
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Griess 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  
  
 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