



Roll Call Number

13-0242

Agenda Item Number

54

Date February 11, 2013

WHEREAS, on January 28, 2013 by Roll Call No. 13-0105, it was duly resolved by the City Council that the application of Jake Christensen, Christensen Development, LLC (purchaser) and ST Investments (owner) to rezone certain property located in the vicinity of 200 and 220 Southeast 6<sup>th</sup> Street from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification, more fully described below, be set down for hearing on February 11, 2013, 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 January 31, 2013, 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:

South ½ Market Square, Town of De Moine, 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 M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use 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) The following uses shall be prohibited:
  - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.



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- k. Freestanding taverns and night clubs.
- l. Warehousing.
- (2) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
- (3) The density of any residential development shall be dependent upon Site Plan review.
- (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
- (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.
- (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.
- (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

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 from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification are hereby overruled, the hearing is closed and the proposed rezoning to the Limited C-3B Central Business Mixed Use 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  
 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  
 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  
 Diane Rauh  
 City Clerk