



Roll Call Number

13-0719

Agenda Item Number

25

Date May 6, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 18, 2013, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from FD Des Moines Iowa SW 9th, LLC (purchaser) represented by Mitch Phillips (agent), Dawn Cooper and by Muto Company (owner), represented by Nancy Turner to rezone property at 3911 Southwest 9th Street and 3915 Southwest 9th Street from "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions:

1. Any commercial site development shall be located away from existing residential uses to the extent feasible, given existing topography, by minimizing parking setbacks along the public street sides and reducing on-site maneuvering aisles to the extent possible while still providing adequate maneuvering for delivery trucks.
2. Provision of 75% brick, stone, or masonry block material within the first floor on all four exterior walls of any commercial building.
3. Any freestanding sign shall be a monument sign.
4. A sidewalk connection be provided from the public sidewalk to the store entrance.
5. Use of any retaining walls shall be minimized.
6. Any Site Plan for development of the property shall be reviewed by the P&Z.

The subject property is more specifically described as follows:

The East 150.31 feet of Lot 47, Bloomfield Place, an Official Plat, all now 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 from "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 20, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.



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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.

MOVED by Mahaffey to adopt.

FORM APPROVED:

[Signature of Michael F. Kelley]

Michael F. Kelley
Assistant City Attorney

(ZON2013-00038)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

[Signature of T. M. Franklin] Mayor

[Signature of Diane Rauh] City Clerk