

★ Roll Call Number

13-0835

Agenda Item Number

57B

Date May 20, 2013

WHEREAS, on May 6, 2013 by Roll Call No. 13-0719, it was duly resolved by the City Council that the application of FD Des Moines Iowa SW 9<sup>th</sup>, LLC to rezone certain property located in the vicinity of 3911 Southwest 9<sup>th</sup> Street and 3915 Southwest 9<sup>th</sup> Street from the R1-60 One-Family Low-Density Residential District, to a Limited C-1 Neighborhood Retail Commercial District classification, more fully described below, be set down for hearing on May 20, 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 May 9, 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:

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.

from the R1-60 One-Family Low-Density Residential District, to a Limited C-1 Neighborhood Retail 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) 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.

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- (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.

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 R1-60 One-Family Low-Density Residential District, to a Limited C-1 Neighborhood Retail Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited C-1 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			

**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.

MOTION CARRIED 11-11-13 APPROVED  
11-11-13  
 Mayor

Diane Rauh  
 City Clerk