



Roll Call Number

Agenda Item Number

13-1438

47A

Date September 9, 2013

WHEREAS, on August 26, 2013 by Roll Call No. 13-1322, it was duly resolved by the City Council that the application of Jake Christensen (developer) to rezone certain property located in the vicinity of 600 East 5th Street from the R-4 Multiple-Family Residential District to Limited C-3B Central Business Mixed Use District classification, more fully described below, be set down for hearing on September 9, 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 August 29, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, on August 15, 2013, the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed rezoning be approved, subject to the conditions identified in the attached letter from the Planning Administrator; 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:

(except triangular piece on West side, being all West of line beginning in Northwest corner thence Southerly 419.20 feet to a point 65.34 feet East of Southwest corner) Lot 6, Block D, River Hills Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R-4 Multiple-Family Residential 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.



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- g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
- (2) Any development or site modifications shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B District and Downtown Overlay District.
- (3) Any development or expansion of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.

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 R-4 Multiple-Family Residential District to Limited C-3B Central Business Mixed Use District classification have been considered, the hearing is closed, and the proposed rezoning to the Limited C-3B 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 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