



Roll Call Number

13-1754

Agenda Item Number

44B

Date November 4, 2013

RESOLUTION CLOSING HEARING AND CONDITIONALLY APPROVING  
APPLICATION OF PHARMCO PROPERTIES LLC TO REZONE PROPERTY IN  
THE VICINITY OF 2679 MAURY STREET FROM THE "R1-60" ONE-FAMILY  
LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "C-1"  
NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT CLASSIFICATION

WHEREAS, on October 21, 2013 by Roll Call No. 13-13-1625, it was duly resolved by the City Council that the application of Pharmco Properties LLC to rezone property in the vicinity of 2679 Maury Street more fully described below, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, be set down for hearing on November 4, 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 October 24, 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:

All Lots 1 through 10, and all Lots 36 through 46, and vacated North/South alley Right-of-Way East of and adjoining Lots 36 through 46, Block 8, Larison 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) Prohibit the use of the property for automotive and motorcycle accessory and parts stores, bakeries, furniture stores, gas stations, household appliance sales and repair, locker plants, lawn mower repair shops, multiple-family residential and upholstery shops.



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- (2) Vehicular driveway access for any commercial or office use may only be from Maury Street.
- (3) Any reuse of the property for commercial use shall be subject to all Building Codes and must demonstrate the required certificate of occupancy from the Permit and Development Center. It shall also be subject to approval of a Site Plan under current regulations by the Permit and Development Center.

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 are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "C-1" District classification is hereby APPROVED.

MOVED by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K Brown

Roger K. Brown  
 Assistant City Attorney  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			

T. M. Franklin Council 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