

★ Roll Call Number

14-0283

Agenda Item Number

25

Date February 24, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM TIM THELEN,  
TO REZONE PROPERTY LOCATED AT 1159 24TH FROM "C-1"  
NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO LIMITED "NPC"  
NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT, TO ALLOW  
USE OF THE PREMISES AS A CARPENTER SHOP FOR GUITAR MAKING

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 6, 2014, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Tim Thelen (owner) to rezone property located at 1159 24<sup>th</sup> Street from "C-1" Neighborhood Retail Commercial District to limited "NPC" Neighborhood Pedestrian Commercial District, to allow use of the premises as a carpenter shop for guitar making subject to the owner agreeing to prohibit the following uses of the property.

1. Taverns and nightclubs;
2. Billiard parlors/game rooms;
3. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
4. Delayed deposit service businesses;
5. Pawn brokers;
6. Gas stations/convenience stores;
7. Off premises advertising signs; and,
8. Liquor stores and package goods stores for the sale of alcoholic beverages.

WHEREAS, the subject property is more specifically described as follows:

Lot 22, DRAKE UNIVERSITY 3RD ADDITION, 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 is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on March 10, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

( continued )

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MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

(ZON2013-00203)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
	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