

★ Roll Call Number

14-0417

Agenda Item Number

33B

Date March 10, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF RACCOON STREET WAREHOUSE, L.L.C., TO REZONE PROPERTY IN THE VICINITY OF 403 SE 8TH STREET FROM THE R-2A" GENERAL RESIDENTIAL DISTRICT TO A LIMITED "C-3B" CENTRAL BUSINESS MIXED USE DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on February 24, 2014, by Roll Call No. 14-0281, it was duly resolved by the City Council that the application of Raccoon Street Warehouse, L.L.C., represented by Kurt Pagliai, officer, to rezone certain property it owns in the vicinity of 403 SE 8th Street, more fully described below, be set down for hearing on March 10, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 27, 2014, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said 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:

Lot 1, Block 40 of TOWN OF DE MOINE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the R-2A" General Residential District to a Limited "C-3B" Central Business Mixed Use District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. The following uses of land and structures shall be prohibited on the Property
  1. Assembly and packaging of small components from previously prepared materials.
  2. Auction businesses.
  3. Delayed deposit services businesses, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  4. Lumberyards, retail and wholesale.
  5. Machine shops.
  6. Liquor stores and freestanding package goods stores for the sale of alcoholic beverages.
  7. Pawnbrokers.

( continued )

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- 8. Printing, publishing houses and lithographing shops.
  - 9. Plumbing and heating shops.
  - 10. Miniwarehouse uses.
  - 11. Freestanding taverns and night clubs.
  - 12. Warehousing.
- B. Any development or site modifications shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" District and the Downtown Overlay District.
- C. Provision of wrought iron fencing along the Southeast 8th Street and Raccoon Street frontages for any auto-dominant uses including, but not limited to, a surface parking lot for vehicles.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-3B" Central Business Mixed Use District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Gatto 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

T. M. Franklin Mayor

Diane Rauh City Clerk