

★ **Roll Call Number**  
140421

**Agenda Item Number**  
34B

**Date**..... March 10, 2014.....

RESOLUTION CLOSING HEARING ON APPLICATION OF TIM THELEN TO  
REZONE PROPERTY IN THE VICINITY OF 1159 24th STREET FROM THE  
"C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO A LIMITED "NPC"  
NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT AND  
CONDITIONALLY APPROVING SAME

WHEREAS, on February 24, 2013, by Roll Call No. 14-0283, it was duly resolved by the City Council that the application of Tim Thelen to rezone certain property he owns in the vicinity of 1159 24th 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, 2007, 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 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.

from the "C-1" Neighborhood Retail Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial 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:

The following uses of land and structures shall be prohibited upon 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;

( continued )

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Date March 10, 2014

-2-

7. Off premises advertising signs; and,
8. Liquor stores and package goods stores for the sale of alcoholic beverages.

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 "NPC" Neighborhood Pedestrian Commercial 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 Hensley 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	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie  
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