

★ Roll Call Number

14-0724

Agenda Item Number

42

Date..... May 5, 2014.....

RESOLUTION CLOSING HEARING ON THE APPLICATION OF ST INVESTMENTS, LLC TO REZONE PROPERTY IN THE VICINITY OF 200 SE 6TH STREET FROM A LIMITED "C-3B" CENTRAL BUSINESS MIXED-USE DISTRICT TO A LIMITED "C-3" CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on April 21, 2014, by Roll Call No. 14-0617, it was duly resolved by the City Council that the application of ST Investments, LLC, to rezone certain property it owns in the vicinity of 200 SE 6th Street, more fully described below, be set down for hearing on May 5, 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 April 25, 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:

The North 136.5 feet of the South 273 feet of Market Square in 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 Limited "C-3B" Central Business Mixed-Use District to a Limited "C-3" Central Business District 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:

- (1) Only the following uses of land and structures shall be permitted upon the Property:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. All uses permitted in and as limited in the "C-3B" District, except the following uses which are prohibited:
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.

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- iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, including but not limited to delayed deposit service businesses.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Liquor stores, also known as freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawn broker businesses.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
- (2) Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
- (3) The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
- (4) The density of any future residential development shall be established in the site plan review process.
- (5) Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
- (6) Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines for multiple-family residential use.
- (7) In the event the adjoining segment of vacated Market Street is improved and dedicated as a public street, the owner of the Property shall be responsible for installing the parking plantings and perimeter landscaping along that segment of Market Street in conformance with the site plan standards.

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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-3" 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	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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