



**Roll Call Number**

15-0293

**Agenda Item Number**

18

**Date** February 23, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM DES MOINES PEDIATRIC AND ADOLESCENT CLINIC, PLC TO REZONE PROPERTY LOCATED AT 2301 BEAVER AVENUE, 2313 BEAVER AVENUE, AND 2300 40TH PLACE FROM "C-0" COMMERCIAL-RESIDENTIAL DISTRICT AND "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that a public hearing was held by the Commission on February 5, 2015, regarding a request from Des Moines Pediatric and Adolescent Clinic, PLC ("Owner"), represented by Brian Waggoner, M.D. (officer), to rezone property locally known as 2301 Beaver Avenue, 2313 Beaver Avenue, and 2300 40th Place (collectively "Property") from "C-0" Commercial-Residential District and "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District, to allow expansion and reconstruction of the existing medical clinic parking lot and site improvements; and

**WHEREAS**, a majority of the members of the City Plan and Zoning Commission in attendance at the meeting were unable to agree upon a recommendation regarding the proposed rezoning; and

**WHEREAS**, the Owner has agreed to the following conditions on the proposed rezoning:

1. Compliance with all applicable Site Plan regulations including provision of all required landscaping and screening with a 6-foot minimum height solid wooden fence to provide the required screening along the north and east property lines, and a refuse collection container enclosure that complies with current standards for masonry construction and solid metal gates;
2. Any replacement or additional signs on the premises may only be Type A signs (indirectly illuminated only);
3. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.;
4. The following uses are prohibited:
  - a) Bakeries;
  - b) Delicatessens;
  - c) Gas stations;
  - d) Grocery Stores/Supermarkets (Limited, General, and Large food sales establishments);
  - e) Laundrettes and coin-operated dry cleaning establishments;
  - f) Locker plants;
  - g) Restaurants;
  - h) Theaters;
  - i) Automotive accessory and parts stores;
  - j) Lawn mower/small-engine repair;
  - k) Upholstery shops; and

**WHEREAS**, in addition to the above-listed conditions, the Owner has suggested the following supplemental conditions on the proposed rezoning:

1. The following uses are prohibited:...
  - l) Pharmacies; and
  - m) Banks; and
2. In addition to the foregoing conditions, any structure(s) located on that portion of the Property locally known as 2300 40<sup>th</sup> Place and existing at the date of recording of the Acceptance of Rezoning

( continued )



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Conditions shall be used solely for residential purposes, until such time as said structure(s) are demolished or destroyed; and

**WHEREAS**, the Property is legally described as follows:

Lot 9 (except the West 10 feet thereof); Lots 10, 11 and 12 (except that part conveyed to the City of Des Moines in Book 1434, Page 177 and Book 4118, Page 477); and Lot 13 (except the South 8 feet thereof); all in Block 1 of Broadmoor, an Official Plat, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 9, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

MOVED BY Coleman TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2015-00003)

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