



Roll Call Number

15-0388

Agenda Item Number

30

Date March 9, 2015

RESOLUTION SETTING HEARING ON REQUEST FROM AZHAR IQBAL AND DOMINIC MATHEW (OWNERS) TO REZONE PROPERTY LOCATED AT 4538 LOWER BEAVER ROAD FROM "R-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 19, 2015, its members voted 7-2 in support of a motion to recommend **APPROVAL** of a request from Azhar Iqbal and Dominic Mathew (owners) to rezone real property locally known as 4538 Lower Beaver Road ("Property") from "R-4" Multiple-Family Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow the right to request a necessary Conditional Use Permit to continue selling alcoholic liquor, wine, and beer as part of either a limited food/retail sales establishment or as a liquor store; and

WHEREAS, the Property is legally described as follows:

A tract of land situated in the Southwest ¼ of the Northeast ¼ of Section 20, Township 79 North, Range 24 west of the 5th Prime Meridian, now included in and forming a part of the City of Des Moines, Polk County, Iowa, which is described as: Commencing at the Northwest corner of the Southwest ¼ of the Northeast ¼ of said Section 20, thence East 654.3 feet to the Westerly line of Lower Beaver Road, as presently established, thence South 1°51' East along said Westerly line of said Lower Beaver Road and 33.0 feet West of and parallel to the center line of said Lower Beaver Road as presently established, 1034.6 feet to the Northeast corner of Lot 1 Monterey Park Plat No. 7, thence North 1°51' West along the Westerly line of said Lower Beaver Road 310.5 feet to the point of beginning, thence continuing North 1°51' West along said Westerly line 120.0 feet to the Southeast corner of the D.X. Oil Company property, thence North 90°00' West 120 feet to the Southwest corner of the D.X. Oil Company property, thence South 1°51' East parallel to and 120.0 feet West of the West line of said Lower Beaver Road, 120.0 feet, thence North 90°00' East 120.0 feet to the point of beginning.

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 April 6, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.

(continued)

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- 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.; refer to the City Manager to report on proposed uses of the property across the street.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(ZON2015-00009)

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

MOTION CARRIED

APPROVED

7. M. Franklin Cowie
 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