



Roll Call Number

15-1511

Agenda Item Number

25

Date September 14, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM FRANK MARCOVIS, ET AL.
(OWNERS) TO REZONE PROPERTY LOCATED AT 1818 HIGH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 20, 2015, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Frank Marcovis, et al. (owners) to rezone property located at 1818 High Street ("Property") from "C-2" General Retail and Highway-Oriented District to Limited "C-3A" Central Business District Support Commercial District, to allow for development of an office and warehouse addition to the existing clothing retail store, subject to the following conditions:

1. Any building constructed on the Property shall comply with the following design standards as approved by the Planning Administrator:
 - a) Buildings shall frame the street and maintain a minimal setback from the street.
 - b) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street façade. Actual percentage will be subject to approval of the Planning Administrator.
 - c) The front entrance should be oriented to the street.
 - d) Siding materials should consist of brick, stone, or other comparable durable material. Other material types may be used for accent purposes.
 - e) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
2. The following uses are prohibited on the Property:
 - a) Adult entertainment establishments.
 - b) Assembly and packaging of small components from the following previously prepared materials: metal, wood, plastic, paper or rubber.
 - c) Automobile body and fender repair shop, but not including wrecking or used parts yards or outside storage of automobile component parts.
 - d) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales.
 - e) Billiard parlor/game room.
 - f) Communication Tower/Antenna (would therefore only be allowed by a Special Permit).
 - g) Gas Stations/convenience stores.
 - h) Lumberyards and building material sales yards.
 - i) Manufacturing, packaging and storage of dairy products.
 - j) Manufacture or treatment of products incidental to the conduct of a retail business carried out on the Property.
 - k) Printing and publishing houses.
 - l) Storage of nonflammable and non-explosive goods.
 - m) Taverns and night clubs.
 - n) Transportation passenger terminals, including bus stations, railroad passenger stations or other passenger terminals.
 - o) Truck rental establishments.
 - p) Off-premises advertising signs.
 - q) Machine shops.
 - r) Package goods liquor store.
 - s) Sheet metal shops.

(continued)

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- t) Mobile home parks.
- u) Delayed deposit services/pawnbrokers.
- v) Tobacco/alternative nicotine stores.
- w) Vapor product stores; and

WHEREAS, the Property is legally described as follows:

The West 13 feet of Lot 5 and all of Lot 6 and the East 44 feet of Lot 7; all in Block "B" in J. C. SAVERY'S ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

The vacated North 8 feet of the East 123 feet of the West 333 feet of Lot "C" in J. C. SAVERY'S ADDITION, an Official Plat, all 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 September 28, 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.

FORM APPROVED:

Glenna K. Frank

 Glenna K. Frank, Assistant City Attorney

MOVED by *Hensley* to adopt.
 (ZON2015-00141)

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

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.

MOTION CARRIED APPROVED
T. M. Franklin

 Mayor

Diane Rauh

 City Clerk