



Roll Call Number

15-1738

Agenda Item Number

54

Date October 12, 2015

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

WHEREAS, on September 14, 2015, by Roll Call No. 15-1511, the City Council received and filed a communication from the City Plan and Zoning Commission advising 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.

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

WHEREAS, due notice of said hearing was published in the Des Moines Register, 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 Property locally known as 707 19th Street, legally described as:

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. SAVERYS 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

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 conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owners of the Property, which is binding upon the owners and their successors, heirs and assigns.

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "C-

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3A" Central Business District Support Commercial District, to allow for development of an office and warehouse addition to the existing clothing retail store with conditions as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property to Limited "C-3A" Central Business District Support Commercial District with conditions as set forth above, is found to be in conformance with the existing Des Moines' 2020 Community Character Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED by Hensley to adopt.

FORM APPROVED:

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

(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