



Roll Call Number

16-0762

Agenda Item Number

23

Date May 9, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY LOCATED AT 2619 SW 9TH STREET FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 21, 2016, its members voted 10-0 to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to rezone property located at 2619 SW 9th Street ("Property") from "C-1" Neighborhood Retail Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow commercial development of the site, subject to the following conditions:

1. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
2. The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores; and

WHEREAS, the Property is legally described as follows:

Lot 5 in HATTON ACRES PLAT 2, 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 May 23, 2016, 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.

★ Roll Call Number
16-0762

Agenda Item Number
23

Date May 9, 2016

-2-

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

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

(ZON2016-00048)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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