



Roll Call Number

17-1469

Agenda Item Number

25

Date August 28, 2017

RESOLUTION SETTING HEARING ON REQUEST FROM RSC PARTNERS, LLC TO REZONE PROPERTY AT 900 42ND STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 17, 2017, its members voted 14-1 in support of a motion to recommend APPROVAL of a request from RSC Partners, LLC (owner), represented by Rick Krause (officer), to rezone property at 900 42nd Street ("Property") from "C-1" Neighborhood Retail Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow the ability to request a Conditional Use Permit for a tavern as part of the existing art instruction business "Pinot's Palette", subject to the following conditions:

- 1. The following uses shall be prohibited on the Property:
a. Any business that derives more than 50% of its gross sales from the sale of alcoholic or tobacco products
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.
2. Any redevelopment or construction on the site shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District; and

WHEREAS, the Property to be rezoned is legally described as follows:

EAST 150 FEET OF LOT 34, CHAMBERLAIN HEIGHTS, NOW INCLUDED IN AND FORMING APART 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 at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 11, 2017, 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.



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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2017-00126)

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