



Roll Call Number

17-1889

Agenda Item Number

18

Date November 6, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
TOBI PARKS TO REZONE PROPERTY AT 1159 24TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Tobi Parks d/b/a Harvey Parks Properties (purchaser), to rezone property locally known as 1159 24th Street ("Property") from Limited "NPC" Neighborhood Pedestrian Commercial District to revised Limited "NPC" Neighborhood Pedestrian Commercial District, to remove the condition prohibiting a tavern and nightclub use to allow the applicant to seek a Conditional Use Permit for a business selling liquor, wine and beer as part of a proposed principal gallery use and event assembly use of the Property, subject to the following rezoning conditions:

A. The following uses of structures and land shall not be permitted upon the Property:

1. Gas stations;
2. Locker plant;
3. Automotive and motorcycle accessory and parts store;
4. Lawn mower repair shops;
5. Radio stations;
6. Animal hospitals, veterinary clinics, or kennels;
7. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
8. Ballrooms and dance halls;
9. Billiards parlors, pool halls and game rooms;
10. Carpenter and cabinet making shops for retail custom work;
11. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
12. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
13. Drive-in theaters;
14. Lumber yards;
15. Mini-warehouse;
16. Monument sales yards;
17. Any business holding a liquor license, beer or wine permit which is not operated as either:



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- a. a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services; or
- b. a gallery and performing arts assembly use that occupies no more than 3,000 square feet of gross floor area (considered a tavern under provisions of the Zoning Ordinance) that is operated in compliance with an approved Conditional Use Permit including, but not limited to, hours of operation, sales requirements, and parking arrangements;
18. Plumbing and heating shops;
19. Sheet metal shops;
20. Sign painting shops;
21. Mobile home parks;
22. Used car sales lots;
23. Garage for general motor vehicle repair;
24. Automobile washing establishments;
25. Adult entertainment businesses; and
26. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District; and

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

Lot 22, DRAKE UNIVERSITY 3RD 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 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 November 20, 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 Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00142)

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
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