



Roll Call Number

18-2069

Agenda Item Number

31

Date December 17, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM MULVIHILL FARMS, INC. TO
REZONE PROPERTY LOCATED AT 1145 AND 1147 24TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 6, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Mulvihill Farms, Inc. (owner), represented by Robert Mulvihill, Jr. (officer), to rezone property locally known as 1145 and 1147 24th Street ("Property") from "R1-60" Low Density Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use, subject to the following rezoning conditions:

1. The following uses of structures and land shall be prohibited upon the Property:
 - a. Adult entertainment businesses;
 - b. Animal hospitals, veterinary clinics, or kennels;
 - c. Automotive and motorcycle accessory and parts store;
 - d. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 - e. Automobile washing establishments;
 - f. Ballrooms and dance halls;
 - g. Billiards parlors, pool halls and game rooms;
 - h. Carpenter and cabinet making shops for retail custom work;
 - i. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
 - j. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
 - k. Delayed deposit services;
 - l. Drive-in theaters;
 - m. Garage for general motor vehicle repair;
 - n. Gas stations/convenience stores;
 - o. Lawn mower repair shops;
 - p. Liquor stores and other businesses where more than 40 percent of gross receipts is derived from the sale of alcoholic liquors, wine, beer and tobacco.
 - q. Locker plant;
 - r. Lumber yards;
 - s. Mini-warehouse;
 - t. Mobile home parks;
 - u. Monument sales yards;



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- v. Off-premises advertising signs.
 - w. Pawn brokers;
 - x. Plumbing and heating shops;
 - y. Radio stations;
 - z. Sheet metal shops;
 - aa. Sign painting shops;
 - bb. Taverns and nightclubs; and
 - cc. Used car sales lots.
2. 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:

LOTS 25 AND 26 DRAKE UNIVERSITY 3RD ADDITION, 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 at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 14, 2019, 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 Boesen TO ADOPT.

(ZON2018-00234)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. 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