



Roll Call Number

19-0282

Agenda Item Number

20

Date February 25, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM FULL COURT PRESS,
INC. TO REZONE PROPERTY LOCATED AT 3506 UNIVERSITY AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 7, 2019, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Full Court Press, Inc. (owner), represented by Jeff Bruning (officer), to rezone property located at 3506 University Avenue ("Property") from "R-3" Multiple-Family Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow the existing restaurant use to be reclassified to a tavern use, subject to the following conditions:

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

1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
 - a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
 - b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;
2. Gas stations;
3. Locker plant;
4. Automotive and motorcycle accessory and parts store;
5. Lawn mower repair shops;
6. Radio stations;
7. Animal hospitals, veterinary clinics, or kennels;
8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
9. Ballrooms and dance halls;
10. Billiards parlors, pool halls and game rooms;
11. Carpenter and cabinet making shops for retail custom work;
12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
14. Drive-in theaters;
15. Lumber yards;



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16. Mini-warehouse;
17. Monument sales yards;
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 is legally described as follows:

THE NORTH 50 FEET OF THE EAST 180 FEET OF LOT 1 KAUFMANN PLACE, 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 March 11, 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.

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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2018-00248)

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

MOTION CARRIED APPROVED

J. M. Frankhu 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