



Roll Call Number

20-0142

Agenda Item Number

17

Date January 27, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM LUCKY GAL I, INC. TO REZONE PROPERTY LOCATED AT 3104 SOUTHWEST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lucky Gal I, Inc. (owner), represented by Chris Pruisner (officer), to rezone property located at 3104 Southwest 9th Street (“Property”) from RX1 Mixed Use District to Limited MX1 Mixed Use District, to allow use of the existing building for an amusement arcade (Sports and Recreation, Private/Participant – Indoor), subject to the following conditions:

1. Use of the Property shall be limited to any use as permitted in the “RX1” District or a Sports and Recreation, Private/Participant, indoor use.
2. Any sale or service of alcoholic liquor, wine, and/or beer on the Property shall be prohibited; and

WHEREAS, the Property is legally described as follows:

THE NORTH 121 FEET OF THE EAST 125 FEET OF LOT 1 IN SOUTHGATE AND PARCEL “B” OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON JANUARY 16, 2003, AND RECORDED IN BOOK 9578 PAGE 185, BEING A PART OF LOT 1 IN SOUTHGATE, 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 February 10, 2020, 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

(ZON2019-00240)

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

MOTION CARRIED

APPROVED

J. M. Franckh Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk