★ **Roll Call Number** 12-0696

Agenda Item Number 24

Date May 7, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 19, 2012, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Julie Bassman (developer), Jerome Bassman (owner) to rezone property located at 1228 2nd Avenue from M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to NPC Neighborhood Pedestrian Commercial District, to allow development of a retail commercial center subject to the following conditions:

1. Prohibition of the following uses:

   a) billiard parlor/game room,
   b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
   c) delayed deposit services
   d) pawn brokers
   e) gas stations/convenience stores,
   f) off-premises advertising signs,
   g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
   h) taverns and nightclubs.

2. Any submitted Site Plan shall adhere to NPC Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.

3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

The subject properties are more specifically described as follows:

All Lot 141, and the West ½ vacated alley lying East of and adjoining the South 101 feet Lot 142 and the South 101 feet Lot 142, and also the East ½ vacated alley West of and adjoining Lots 149 and 150, and (Except beginning at the Southeast corner of Lot 150 thence West 4.52 feet, Northeast 89.97 feet, South 89.81 feet to the Point of Beginning) Lots 149 and 150, Rutherford Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

-Continue-

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 21, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.

2. 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:

Michael F. Kelley
Assistant City Attorney

MOVED by Hensley to adopt.

(ZON2012-00043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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