



Roll Call Number

13-1288

Agenda Item Number

35

Date August 12, 2013

WHEREAS, on July 29, 2013 by Roll Call No. 13-1199, it was duly resolved by the City Council that the application of Brace, LLC (owner) represented by Alex Langstraat (officer) to rezone certain property located in the vicinity of 901 Bell Avenue from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District, to Limited NPC Neighborhood Pedestrian Commercial District classification, more fully described below, be set down for hearing on August 12, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 1, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

South 42.5 feet of Lots 39 and 40, Bell Place Plat No. 2, an Official Plat, and the West 60 feet of Lot D, Southwest 9th Street Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District, to Limited NPC Neighborhood Pedestrian Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- (1) Prohibit the use of the property for gas stations, liquor stores, taverns and nightclubs, and off-premises advertising signs.
- (2) Preserve existing shared vehicular driveway access onto Southwest 9th Street with the property adjacent to the north and preserve existing vehicular cross-access through the property to driveway access onto Bell Avenue from the adjacent property to north.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District, to Limited NPC Neighborhood Pedestrian Commercial District classification have been considered, the hearing is closed, and the proposed rezoning to the Limited NPC Neighborhood Pedestrian Commercial District classification is hereby APPROVED.

Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk