



Roll Call Number

13-1478

Agenda Item Number

16

Date September 23, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2013 a motion was made to recommend **DENIAL** of a request from Robert J. Mulvihill Jr. (purchaser) to rezone property located at 1139 24th Street from R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District to allow for commercial reuse of the existing 3,600-square foot building. The subject property is owned by Ballard's Glass & Screen Service; and

WHEREAS, said motion **FAILED** by a 6-6 vote; and

WHEREAS, City Plan and Zoning Commission subsequently made a motion to recommend **APPROVAL** of the proposed rezoning from R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District to allow for commercial reuse of the existing 3,600-square foot building subject to the following conditions:

- 1) Taverns and nightclubs.
- 2) Billiard parlor/game room.
- 3) Communication tower/antenna (unless as an extension of 20 feet or less from the structure).
- 4) Delayed deposit services.
- 5) Pawn brokers.
- 6) Gas stations/convenience stores.
- 7) Off premises advertising signs.
- 8) Any business where gross revenues of tobacco and alcohol products exceed 40% of sales; and.

WHEREAS, said motion **FAILED** by a 5-7 vote; and

WHEREAS, NO FURTHER ACTION WAS TAKEN REGARDING THIS ITEM; AND

WHEREAS, the subject property is more specifically described as follows:

Lot 27, Drake University 3rd Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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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 October 7, 2013, 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.

Moved by Meyer to adopt.

FORM APPROVED:

[Signature]

Michael F. Kelley
Assistant City Attorney

(ZON2013-00105)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1

MOTION CARRIED APPROVED
[Signature]
MAYOR PRO TEM

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.

[Signature]
City Clerk