



Roll Call Number

09-285

Agenda Item Number

25

February 23, 2009

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 5, 2009, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Dr. Greg Peterson (purchaser) to rezone property located at 16 Indianola Road from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow construction of a mixed-use structure with medical and retail uses on the first floor with residential uses on the second floor subject to the following conditions:

1. Prohibition of the following uses:
  - a. Package goods stores for the sale of alcoholic beverages.
  - b. Pawnshops.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  
2. All rooftop mechanical units shall be screened from view.

The subject property is more specifically described as follows:

All that part of Lot 5, South Park, an Official Plat, lying North of the North line of Lot 31, Clifton Heights 1<sup>st</sup> Plat, an Official Plat, and South of Indianola Avenue and bounded on the East by vacated Webster Street, and on the West by Southwest 1<sup>st</sup> Street;

also

All Lots 24, 25, 26, 27, 28, 29, 30, 31, and 32 in said Clifton Heights 1<sup>st</sup> Plat;

also

All that part of said vacated Webster Street right-of-way, being a 30 foot strip of ground, that lies between the westerly extension of the North line of Lot 30 and the easterly extension of the South line of Lot 32 and all that part of the East half of vacated Webster Street right-of-way, being a 15 foot strip of ground, lying South of the easterly extension of the South line of Lot 32 and North of the westerly extension of the South line of Lot 24 of said Clifton Heights 1<sup>st</sup> Plat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Continued)



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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 March 9, 2009, 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 Hensley to adopt.

FORM APPROVED:

Michael F. Kelley  
Assistant City Attorney

(ZON2008-00196)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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

MOTION CARRIED

APPROVED

T. M. Franklin  
Mayor