

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 11, 2011
	Agenda Item No. 41 Roll Call No. <u>11-1224</u> Communication No. <u>11-476</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Repealing and replacing Ordinance No. 15,016, rezoning property in the vicinity of 1710 High Street from the "C-2" (General Retail and Highway Oriented Commercial) District to a Ltd. "NPC" (Neighborhood Pedestrian Commercial) District.

SYNOPSIS:

Conditions of approval were mistakenly omitted from Roll Call No. 11-0892, and Ordinance No. 15,016, rezoning the property to the NPC District. All owners of property have accepted the proposed conditions. Staff recommends that Ordinance No. 15,016 be repealed and that a new ordinance be approved. Waiver of second and third readings of the ordinance is requested.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The following conditions were mistakenly omitted from Roll Call No. 11-0892, and Ordinance No. 15,016, rezoning the property to the NPC District:

1. General placement of any structure shall be with minimal setbacks toward both High Street and 17th Street, with any surface parking located away from the corner separated by the building.
2. Prohibit the use of the property for the following:
 - (a) Billiard Parlor/Game Room.
 - (b) Taverns and Night Clubs.
 - (c) Communication Tower/Antenna (unless it's an extension of 20' or less from the structure).
 - (d) Gas Stations/Convenience Stores.
 - (e) Package Goods Liquor Store.
3. Any future development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan, under the Design Guidelines for the "NPC" Districts. Furthermore, any future multiple-family residential development of the site shall be subject to the Plan &

Zoning Commission's review and approval of a Site Plan, under the Design Guidelines for Multiple-Family Residential.

4. When the Site Plan comes back to the Plan & Zoning Commission, the parking issue is maximized.

The signed letter of zoning acceptance is attached to the Roll Call and Ordinance.

PREVIOUS COUNCIL ACTION(S):

Date: May 23, 2011

Roll Call Number: 11-0912

Action: To rezone 1704 High Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Final consideration of ordinance above (waiver requested by Paul Koester), requires six votes. **Moved by Hensley that this ordinance do now pass, #15,016. Motion Carried 7-0.**

Date: May 9, 2011

Roll Call Number: 11-0826 and 11-0827

Action: On request from Paul Koester to rezone 1704 High Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial), to develop a 21-unit apartment building. **Moved by Hensley to adopt; refer to Traffic and Transportation to review stop sign at 17th and High Streets. Motion Carried 6-1. Absent: Coleman.**

(A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

Date: April 25, 2011

Roll Call Number: 11-0750

Action: Extra Item 1. Setting date of hearing on request from Paul Koester to rezone 1704 High Street from "C-2" General Retail and Highway Oriented Commercial to "NPC" Neighborhood Pedestrian Commercial to develop a 21-unit apartment building, (5-9-11). Sponsor: Council Member Hensley. **Moved by Hensley to adopt; refer to the City Manager to clarify the number of parking spaces, and to make a recommendation regarding a stop sign at 15th and High Steet. Motion Carried 7-0.**

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: May 5, 2011

Resolution Number: ZON2011-00052

Action: The Commission voted 8-0-1 to recommend approval of the rezoning, subject to the conditions noted in the Additional Information section of this report.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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