



47B

Date August 8, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY LOCATED AT 3201, 3211 AND 3221 FOREST AVENUE AND 1414 AND 1420 32<sup>ND</sup> STREET**

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1202, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 7, 2016, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to rezone property located at 3201, 3211 and 3221 Forest Avenue and at 1414 and 1420 32<sup>nd</sup> Street (collectively "Property") from Limited "NPC" Neighborhood Pedestrian Commercial District and "R1-60" One-Family Low-Density Residential District to amended Limited "NPC" Neighborhood Pedestrian Commercial District, to allow development with 50 units of 2-story multi-family dwellings, subject to the following conditions:

1. The following uses shall be prohibited on the Property:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales;
2. The density of any future residential development on the Property shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan;
3. Any development of the Property shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District;
4. Any development of a multiple-family residential use on the Property shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential;
5. The siding material on the front façade of any structure on the Property shall primarily consist of full dimension brick or masonry materials, which material shall be used on side and rear facades in a pattern that relates to the front façade;
6. The use of vinyl and/or EIFS siding is prohibited on the Property;
7. Any shingles used on the Property shall be architectural style;
8. Any off-street parking on the Property shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District;
9. Any development of the Property shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District; and
10. Any trash enclosure on the Property shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates; and

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

**WHEREAS**, in accordance with said notice, those interested in said 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

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**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3201, 3211 and 3221 Forest Avenue and at 1414 and 1420 32<sup>nd</sup> Street, legally described as:

The South 135 feet of Lot 1, (except the North 80 feet) Lot 2, all of Lot 3, (except the North 142 feet) Lot 4, RUTLEDGE PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from Limited "NPC" Neighborhood Pedestrian Commercial District and "R1-60" One-Family Low-Density Residential District to amended Limited "NPC" Neighborhood Pedestrian Commercial District to allow development with 50 units of 2-story multi-family dwellings, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2016-00112)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk