



Date September 11, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM NELSON DEVELOPMENT 1, LLC TO REZONE PROPERTY AT 110 SOUTHEAST 7TH STREET

WHEREAS, on August 28, 2017, by Roll Call No. 17-1468, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 17, 2017, its members voted 15-0 in support of a motion to recommend **APPROVAL** of a request from Nelson Development 1, LLC (owner), represented by Alexander Grgurich (officer), to rezone property at 110 Southeast 7th Street ("Property") from "M-2" Heavy Industrial District to Limited "C-3B" Central Business Mixed-Use District, to allow for development of a 4-story, 149-unit multi-family residential structure, subject to the following conditions:

1. The following uses shall be prohibited on the Property:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
2. Any development of the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
3. Any development upon the Property shall re-establish East Vine Street right-of-way and improve it to the satisfaction of the City's Traffic & Transportation Division.
4. Any development upon the Property shall improve Southeast 7th Street to the satisfaction of the City's Traffic & Transportation Division.
5. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential; and

WHEREAS, on August 28, 2017, by Roll Call No. 17-1468, it was duly resolved by the City Council that the application of Nelson Development 1, LLC (owner) to rezone the Property, as legally described below, be set down for hearing on September 11, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center; 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



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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

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 110 Southeast 7th Street, legally described as:

From Limited "C-3B" to "C-3B"

THAT PART OF LOT SEVEN (7) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 47.2 FEET; THENCE IN A WESTERLY DIRECTION TO A POINT ON THE WEST LINE OF SAID LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7; THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING; ALL OF LOT SIX (6); AND THAT PART OF THE VACATED ALLEY AT A POINT ON THE VACATED ALLEY LYING BETWEEN LOTS 4, 5 6 AND 7, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 7, THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF LOT 6; THENCE WESTERLY, AT RIGHT ANGLES, A DISTANCE OF 8 FEET; THENCE IN A NORTHERLY DIRECTION, PARALLEL TO THE WEST LINE OF LOTS 6 AND 7, A DISTANCE OF 69.1 FEET; THENCE EASTERLY TO THE POINT OF BEGINNING, ALL IN BLOCK EIGHTEEN (18); AND THAT PART OF VACATED MARKET STREET DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 6 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 158 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES, 14 FEET; THENCE EASTERLY, AT RIGHT ANGLES, 158 FEET, TO THE WEST LINE OF SE 7TH STREET; THENCE NORTHERLY, ALONG THE WEST LINE FO SE 7TH STREET, 14 FEET, TO THE POINT OF BEGINNING; ALL IN TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING APART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

From "M-1" to "C-3B"

THE SOUTHERLY PART OF LOT 2 MEASURING 8.67 FEET ON THE WEST LINE AND 9.45 FEET ON THE EAST LINE; AND THE SOUTHERLY PART OF LOT 9 MEASURING 9.55 FEET ON THE WEST LINE AND 10.33 FEET ON THE EAST LINE; ALL OF LOT 7 EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE NORTH 47.2 FEET, THENCE IN A WESTERLY DIRECTION TO A POINT ON THE WEST LINE OF SAID LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7, THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF LOT 7, THENCE EASTERLY ALONG THE SOUTH SIDE OF SAID LOT 7 TO THE POINT OF BEGINNING; AND ALL OF LOTS 3, 4, 5, AND 8 IN BLOCK 18 TOWN OF DE MOINE; AND ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 3, 4, 5, 6 AND 7 AND THE ABOVED DESCRIBED PORTIONS OF LOTS 2 AND 9 IN SAID BLOCK 18, EXCEPT THAT PORTION OF SAID ALLEY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7, THENCE SOUTHERLY THE SOUTHWEST CORNER OF LOT 6, THENCE WESTERLY AT RIGHT ANGLES A DISTANCE OF 8 FEET, THENCE NORTHERLY PARALLEL TO THE WEST LINE OF LOTS 6 AND 7, A DISTANCE OF 69.1 FEET,



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THENCE EASTERLY TO POINT OF BEGINNING; AND THE WEST 10 FEET OF THE VACATED ALLEY ABUTTING SAID LOT 5 ON THE EAST; ALL IN THE TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND

LOTS 1, 2, 9, AND 10 IN BLOCK 18 IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE SOUTHERLY PART OF LOT 2 MEASURING 8.67 FEET ON THE WEST LINE OF SAID LOT 2 AND 9.45 FEET ON THE EAST LINE OF SAID LOT 2, AND EXCEPT THE SOUTHERLY PART OF LOT 9 MEASURING 9.55 FEET ON THE WEST LINE OF SAID LOT 9 AND 10.33 FEET ON THE EAST LINE OF SAID LOT 9, AND THAT PART OF THE VACATED NORTH/SOUTH ALLEY BETWEEN LOTS 1 AND 10 AND THE ABOVE DESCRIBED PORTIONS OF LOTS 2 AND 9.

AND

THAT PART OF THE VACATED EAST VINE STREET RIGHT-OF-WAY LYING NORTH OF AND ADJOINING BLOCK 18, TOWN OF DES MOINE, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 18; THENCE SOUTH 74°30'00" WEST (ASSUMED) ALONG THE NORTH LINE OF SAID BLOCK 18, A DISTANCE OF 318.02 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 18; THENCE NORTH 15°25'50" WEST, 50.41 FEET; THENCE NORTH 74°30'00" EAST. 105.03 FEET, THENCE NORTHEASTERLY ALONG A 2274.49 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 5°22'02", A CHORD DISTANCE OF 212.99 FEET, A CHORD BEARING OF NORTH 77°11'02" EAST WITH AN ARC DISTANCE OF 213.07 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 7TH STREET; THENCE SOUTH 15°45'34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 40.44 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "M-2" Heavy Industrial District to Limited "C-3B" Central Business Mixed-Use District, to allow for development of a 4-story, 149-unit multi-family residential structure, 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 "C-3B" Central Business Mixed-Use District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-3B" Central Business Mixed-Use District with conditions as set forth above, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan, and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



Roll Call Number

Agenda Item Number

57

Date September 11, 2017

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MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2017-00132)

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

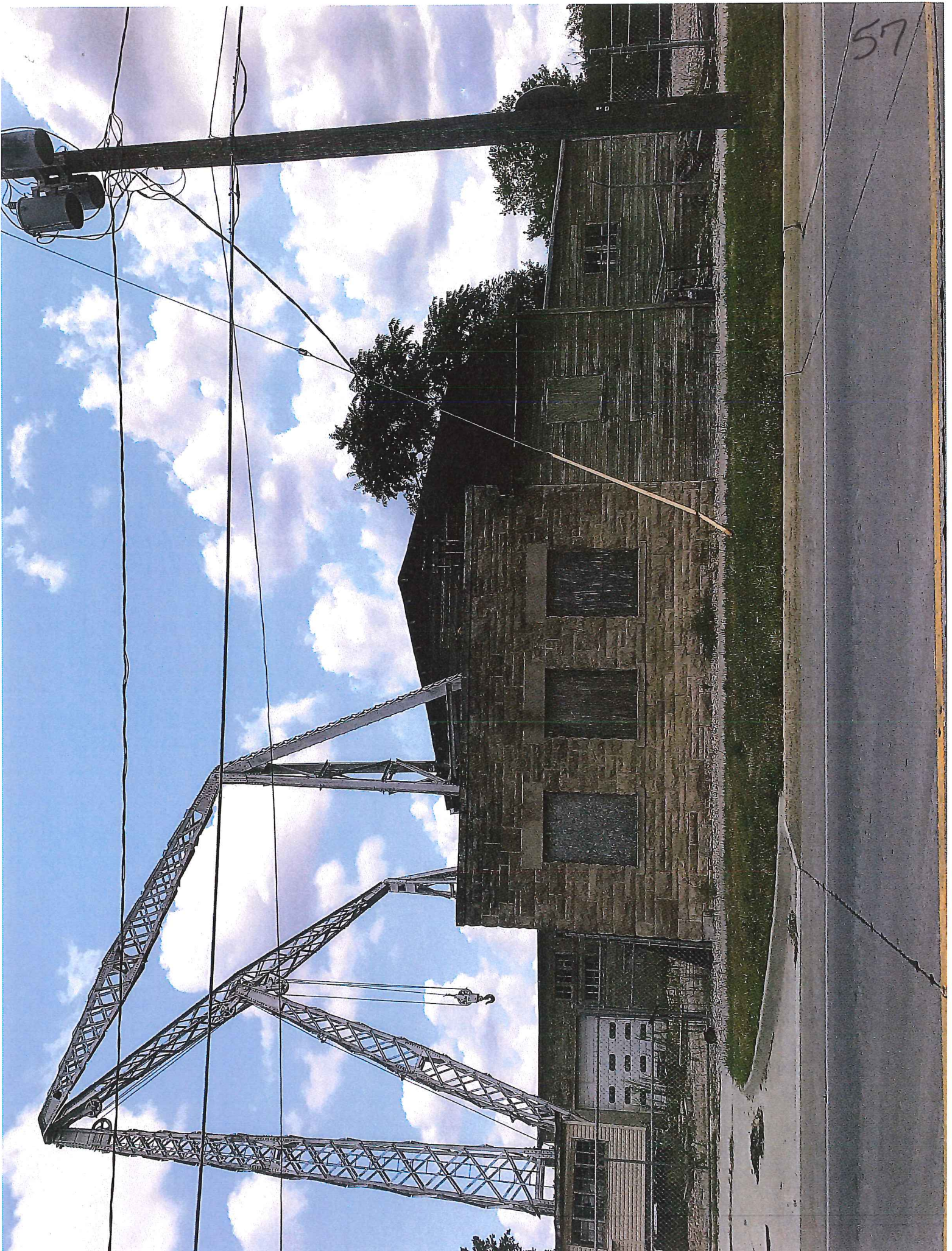


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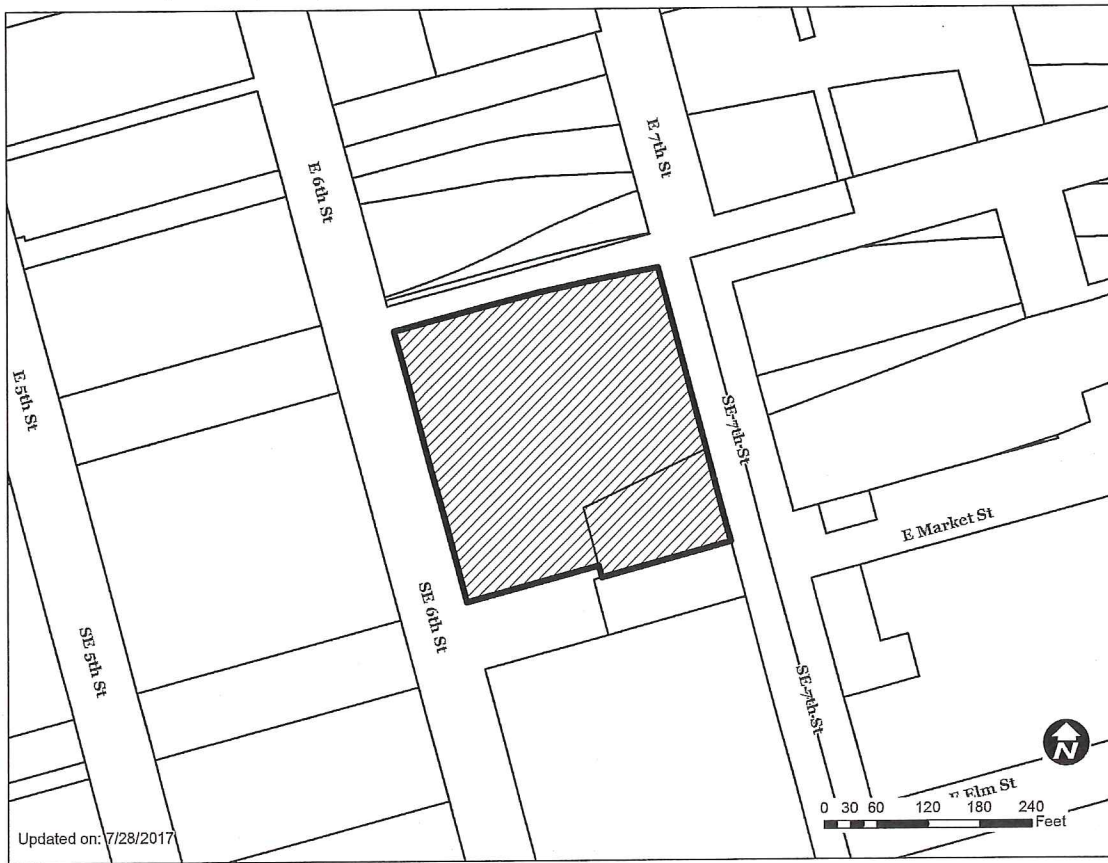




Nelson Development 1, LLC (owner) represented by Alexander Grgurich (officer) for property at 110 Southeast 7th Street.				File # ZON2017-00132	
Description of Action	Rezoning of property from "M-2" Heavy Industrial District to "C-3B" Central Business Mixed-Use District, to allow for development of a 4-story, 149-unit multiple-family residential structure.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"M-2" Heavy Industrial District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0	0	0	
Outside Area (200 feet)	0	0	0	0	
Plan and Zoning Commission Action	Approval	X (15-0)	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Nelson Development 1, LLC, 110 Southeast 7th Street

ZON2017-00132



August 23, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 17, 2017, the following action was taken regarding a request from Nelson Development 1, LLC (owner) represented by Alexander Grgurich (officer) to rezone property at 110 Southeast 7th Street from "M-2" Heavy Industrial District & Limited "C-3B" Central Business Mixed-Use District to "C-3B" Central Business Mixed-Use District, to allow for development of a 4-story, 149-unit multiple-family residential structure.

COMMISSION ACTION:

After public hearing, the members voted 15-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of Part A) that the proposed rezoning to "C-3B" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Downtown Mixed Use"; and Part B) that subject property be rezoned from "M-2" Heavy Industrial District to "C-3B" Central Business Mixed-Use District, subject to the following conditions:

1. The following uses shall be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
2. Any development of the site shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
 3. Any development upon the site shall re-establish East Vine Street right-of-way and improve it to the satisfaction of the City's Traffic & Transportation Division.
 4. Any development upon the site shall improve Southeast 7th Street to the satisfaction of the City's Traffic & Transportation Division.
 5. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential.

(ZON2017-00132)

Written Responses

0 in Favor

0 in Opposition

RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to "C-3B" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Downtown Mixed Use".

Part B) Staff recommends the subject property be rezoned from "M-2" Heavy Industrial District to "C-3B" Central Business Mixed-Use District, subject to the following conditions:

1. The following uses shall be prohibited:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.

- f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
2. Any development of the site shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
 3. Any development upon the site shall re-establish East Vine Street right-of-way and improve it to the satisfaction of the City's Traffic & Transportation Division.
 4. Any development upon the site shall improve Southeast 7th Street to the satisfaction of the City's Traffic & Transportation Division.
 5. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning to "C-3B" Central Business Mixed-Use District would allow for redevelopment of the industrial site with a residential use. The conceptual sketch submitted with the rezoning application demonstrates a four-story building containing approximately 149 dwelling units and a surface parking lot to the north of the building.

If rezoned to a "C-3B" District, any redevelopment or site modifications would require future review and approval of a Site Plan and building elevations by the Plan and Zoning Commission. Such a site plan must be in accordance with the "C-3B" District design guidelines, as well as the design guidelines applicable in the "D-O" Downtown Overlay District. These regulations and design guidelines are intended to assure that redevelopment in the mixed-use areas surrounding the core of Downtown are pedestrian-oriented and compatible with a mixed-use neighborhood. Furthermore, any multiple-family residential development would be subject to the multiple-family residential design guidelines.

2. **Size of Site:** Approximately 2.4 acres.
3. **Existing Zoning (site):** "M-2" Heavy Industrial District, Limited "C-3B" Central Business Mixed-Use District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** The site is currently vacant. It was previously occupied by the Rowat Cut Stone business with outdoor storage.

5. Adjacent Land Use and Zoning:

North – “M-1”; Use is an active east/west railroad line.

South – “C-3B”; Use is currently Recycling, Inc., which uses the site for the storage, sorting, and processing of waste materials. However, a Site Plan has been approved to allow redevelopment of a multiple-family residential use.

East – “M-1”; Uses is a warehouse.

West – “M-1”; Use is the City of Des Moines’ Public Works facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area known as the Market District, which is an area transitioning from industrial uses to a mix of residential and commercial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. These neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 28, 2017 and by mailing of the Final Agenda on August 11, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on July 28, 2017 (20 days prior to public hearing) and August 7, 2017 (10 days prior to initial public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

The applicant held their neighborhood meeting on August 7, 2017. The applicant can report on their neighborhood meeting at the hearing.

8. **Relevant Zoning History:** A portion of the subject property was included with the recent rezoning of the property to the south. This property was rezoning from “M-2” Heavy Industrial District to “C-3B” Central Business Mixed-Use District, subject to the following limitations:

- (1) The following uses shall be prohibited on the Property:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.

- g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
- (2) Any development on the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
 - (3) Any development on the Property shall re-establish East Elm Street ROW and improve it with a public street constructed with an urban cross section.
 - (4) Any development on the Property shall improve Southeast 7th Street with an urban cross section.
 - (5) Any development on the Property shall re-establish Market Street ROW and improve it with either a public pedestrian plaza or a public street constructed with an urban cross section.
 - (6) Any development or site modifications on the Property shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The site is designated as Downtown Mixed Use, which is defined as follows: "Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections." The "C-3B" District is more consistent with this designation than the "M-2" District.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Market District of East Village Urban Design Study:** In May 2010, the City Council received and filed the "Market District of East Village Urban Design Study" as a guide for future development and redevelopment within the area bounded by East/Southeast 7th Street on the east, Scott Avenue on the south, the Des Moines River on the west, and East Walnut Street on the north. The study calls for creating a vibrant pedestrian-oriented mixed-use area by preserving the existing structures and building new residential and commercial structures.

The study designates both Southeast 6th Street and Market Street as "primary development corridors". It also designates the subject property as being redeveloped primarily for multiple-family residential use.

2. Permitted Uses: The following is the list of uses permitted in the "C-3B" District:

Sec. 134-1006. Principal permitted uses.

Only the uses of structures or land similar to those that follow shall be permitted in the C-3B Central Business Mixed Use District:

- (1) Any use permitted in and as limited in the C-2 district except the following uses which are prohibited:*
 - a. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, rental, and sales (including sales lots).*
 - b. Mobile home parks.*
 - c. Vehicle display lots.*
 - d. Garage for general motor vehicle that includes major body and fender work or overall painting.*
 - e. Automobile washing establishments unless all bays are normally enclosed and an attendant is on duty during all hours of operation.*
 - f. Adult entertainment business.*
 - g. Monument sales yards.*
 - h. Sheet metal shops.*
 - i. Sign painting shops.*
 - j. Off-premises advertising signs.*
- (2) Assembly and packaging of small components from previously prepared materials within a fully enclosed building.*
- (3) Manufacture or treatment of products within a fully enclosed building incidental to the conduct of a retail business carried out on the premises.*
- (4) Printing and publishing houses.*
- (5) Warehousing.*
- (6) Machine shops.*
- (7) Retail lumberyards.*
- (8) Electrical substations and gas regulator facilities upon land held by the utility for that purpose on the date the land was placed within the C-3B District. Any new electrical substation or gas regulator facility, or expansion thereof, upon land not held by the utility for that purpose when the land was placed within the C-3B District, may be allowed only by special permit under the provisions of section 134-1326.*
- (9) Combinations of the uses in subsections (1) through (8) of this section.*

Staff recommends that the following uses permitted in the "C-3B" District be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.*
- b. Auction businesses.*
- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.*
- d. Lumberyards, retail and wholesale.*
- e. Machine shops.*
- f. Freestanding package goods stores for the sale of alcoholic beverages.*

- g. Pawnshops.
- h. Printing, publishing houses and lithographing shops.
- i. Plumbing and heating shops.
- j. Miniwarehouse uses.
- k. Freestanding taverns and night clubs.
- l. Warehousing.

3. Utilities: There are existing overhead utility lines within Southeast 6th Street right-of-way. Any future development of the site should be subject to the burial of overhead utilities to the maximum extent possible.

4. Access & Parking: The submitted site sketch demonstrates that the developer would re-establish East Vine Street right-of-way and would improve it as a public street to the satisfaction of the City's Traffic & Transportation Division. The sketch also demonstrates a surface parking lot to the north of the building. While no minimum number of off-street parking spaces would be required for any use in the "C-3B" District, any off-street parking that is provided must comply with City Code Section 134-1377 and with all Site Plan regulations.

As part of any future redevelopment of the site, the developer would be responsible for improving the adjoining segment of Southeast 7th Street to the satisfaction of the City's Traffic & Transportation Division.

5. "C-3B" District Design Guidelines: If rezoned to "C-3B" District, any redevelopment would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission. A Site Plan has not been submitted for consideration at this time.

6. "D-O" Downtown Overlay District Design Guidelines: The subject property is within the Downtown Overlay District. In acting upon any future site plan application for the site, the Plan and Zoning Commission shall apply the Downtown Overlay District design guidelines. A Site Plan has not been submitted for consideration at this time.

7. Multiple-Family Residential Design Guidelines: In acting upon any future Site Plan application that includes a multiple-family dwelling, boardinghouse or roominghouse, the Plan and Zoning Commission shall also apply the Multiple-Family Residential design guidelines. A Site Plan has not been submitted for consideration at this time.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion to approve Consent Agenda Items 2, 3 and 7 per staff recommendation.

Motion passed 15-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:mgl
Attachments