



Date November 20, 2017.....

**RESOLUTION HOLDING HEARING ON REQUEST FROM
NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY AT
2217-2225 UNIVERSITY AVENUE AND 1207 23RD STREET**

WHEREAS, on November 6, 2017, by Roll Call No. 17-1888, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 19, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (NDC) (owner), represented by Abbey Gilroy (officer), to rezone property locally known as 2217-2225 University Avenue and 1207 23rd Street (collectively "Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with a 2-story, 20-unit multi-family dwelling, subject to the following rezoning conditions:

1. The following uses shall be prohibited:
 - 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 shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 45 dwelling units per acre (20 dwelling units on a 0.445-acre site).
3. Any development 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 shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward University Avenue.
6. The building façade materials facing University Avenue along with the two shorter side facades and the north rear façade shall be subject to Plan and Zoning Commission Site Plan review and approval, and the Property owner is directed to work with City staff to determine appropriate materials.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.



Date November 20, 2017

- 9. Any development shall include a landscaped streetscape within adjoining University Avenue Right-Of-Way in accordance with the City’s parkway plantings Landscape Standards as applicable to the “C-3” District.
- 10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates; and

WHEREAS, on November 6, 2017, by Roll Call No. 17-1888, it was duly resolved by the City Council that the application of NDC to rezone the Property, as legally described below, be set down for hearing on November 20, 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

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 2217-2225 University Avenue and 1207 23rd Street, legally described as:

Lots 401 and 402, in UNIVERSITY LAND COMPANY’S 2ND ADDITION, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from “C-2” General Retail and Highway-Oriented Commercial District to Limited “NPC” Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with a 2-story, 20-unit multi-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their 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 revised 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 revised Limited “NPC” Neighborhood Pedestrian Commercial District with conditions as set forth above, is hereby found to be in conformance with



Roll Call Number

Agenda Item Number

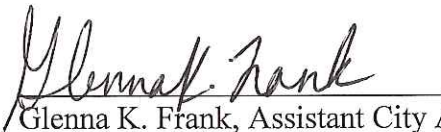
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the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2017-00166)

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.

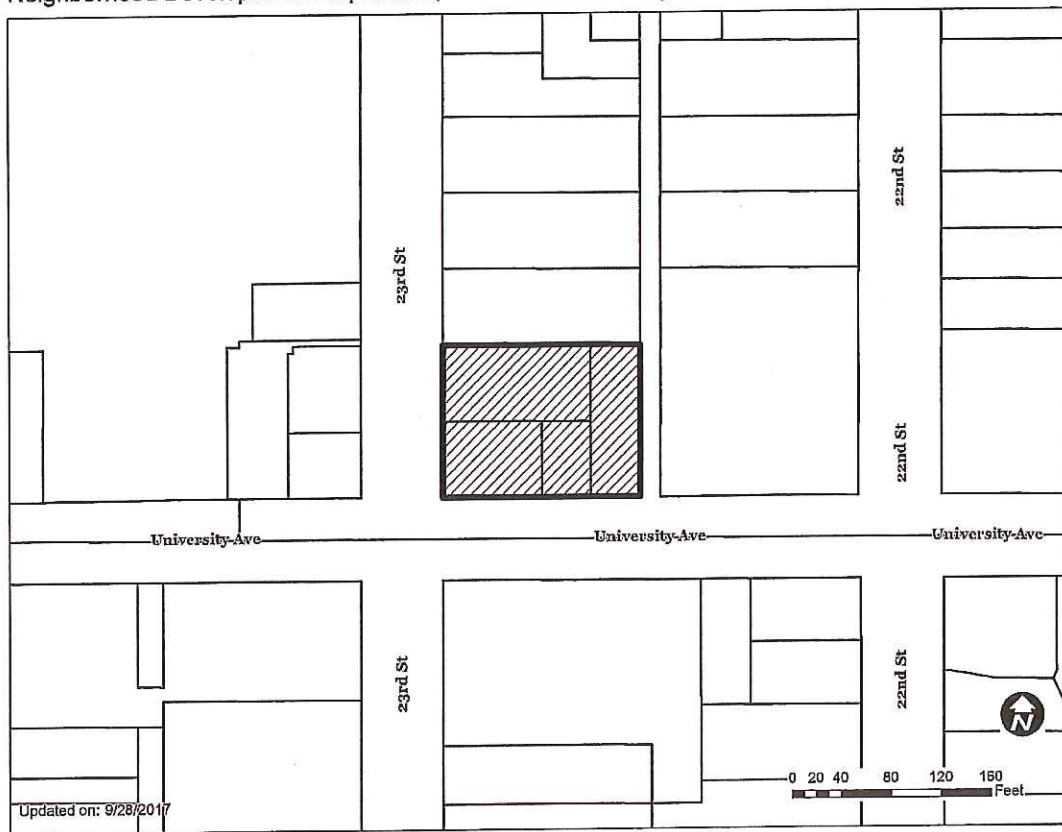
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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58

Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) for property at 2217 - 2225 University Avenue and 1207 23rd Street. Additional property is owned by Don Roose.				File # ZON2017-00166	
Description of Action	Approval of rezoning of property from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District, to allow for redevelopment of the property at a pedestrian scale with a 2-story, 20-unit multiple-family dwelling, subject to conditions.				
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	2	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Neighborhood Development Corporation, 2217-2225 University Ave. & 1207 23rd St. ZON2017-00166



1 Inch = 87 feet



Date November 6, 2017

Agenda Item 17

Roll Call # 58

October 26, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 19, 2017 meeting, the following action was taken regarding a request from the Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) to rezone property at 2217 - 2225 University Avenue and 1207 23rd Street. Additional property is owned by Don Roose.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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	(Recused)			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of Part A) the rezoning be found in conformance with the existing PlanDSM future land use plan of Neighborhood Mixed Use and approval of Part B) requested rezoning, subject to the following conditions: (ZON2017-00166)

1. The following uses shall be prohibited:
 - 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
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 45 dwelling units per acre (20 dwelling units on a 0.445-acre site).
3. Any development 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 shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward University Avenue.
6. **The final building materials are subject to Planning and Zoning approval with site plan review. Staff shall work with the applicant to identify acceptable types and amounts of materials for consideration by the Commission.**
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining University Avenue Right-Of-Way in accordance with the City's parkway plantings Landscape Standards as applicable to the "C-3" District.

Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates.

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM future land use plan of Neighborhood Mixed Use.

Part B) Staff recommends approval of the requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
 - 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
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the site with a 2-story, 20-unit multiple-family dwelling in accordance with the "NPC" Neighborhood Pedestrian Commercial District regulations. The "NPC" District regulations are intended to allow pedestrian-oriented development by allowing buildings to be constructed up to front property lines and by reducing the number of required off-street parking spaces.

If rezoned to "NPC" District, any development of the site would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission in accordance with the "NPC" Design Guidelines. The future Site Plan would determine the maximum allowed density of any development. In lieu of specific bulk regulations, the design guidelines state that multiple-family residential development should have 2,000 square feet of lot area per dwelling unit. Therefore, unless this guideline is waived by the Plan & Zoning Commission, the 19,820-square foot site could only accommodate a maximum of 9 dwelling units under the proposed zoning.

The applicant has submitted a conceptual site sketch with the rezoning application that shows a 2-story multiple-family dwelling that would contain up to 20 dwelling units. The building would be constructed along the front property lines adjoining University Avenue and 23rd Street, and an off-street parking lot with 19 spaces would be located to the north (rear) of the building. As noted above, the Commission would have to waive the design guideline on density when considering the Site Plan since the conceptual 20 dwelling units on the 19,820-square foot site represents only 991 square feet of lot area per dwelling unit.

2. **Size of Site:** 19,820 square feet (0.445 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.

4. **Existing Land Use (site):** The site is comprised of four parcels, including 2217 and 2221 University Avenue that are vacant, 2225 University Avenue that contains a 2 ½ - story three-unit multiple-family dwelling with an attached 1-story 1,980-square foot restaurant, and 1207 23rd Street that is vacant.

5. **Adjacent Land Use and Zoning:**

North – “R-3”; Uses are single-family dwellings.

South – “C-2”, Use is Starch Pet Hospital.

East – “C-2”; Use is a Kum & Go convenience store/gas station.

West – “C-1”; Uses are the Platinum Kutz barber shop and Lefty’s Live Music tavern.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the University Avenue mixed-use corridor to the east of and near the Drake University campus.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in both the Drake Neighborhood and the Carpenter Neighborhood. These neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on September 29, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 29, 2017 (20 days prior to the hearing) and October 6, 2017 (13 days prior to the hearing due to Columbus Day) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 13, 2017.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association notices were mailed to Kristina Johnson, 3523 University Avenue #12A, Des Moines, IA 50311. The Carpenter Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

The applicant held their required neighborhood meeting on October 11, 2017.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM Creating Our Tomorrow:** The subject property is located within an area designated in the PlanDSM as Neighborhood Mixed Use, which is define in the plan as “Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.” While the proposed density of residential units would exceed this, staff believes that efficiency type units at a higher density could be within the intensity of use contemplated by the designation. The proposed project would not include any commercial intensity.

In 2011, the City adopted the Drake Neighborhood Action Plan to guide future development and redevelopment within the neighborhood. The plan calls for rezoning property along University Avenue to the "NPC" District on a case-by-case basis. A goal of this plan is to provide quality multiple-family housing units along the neighborhood's corridors and transit routes. Therefore, staff believes the proposed rezoning to "NPC" District is in conformance with the PlanDSM future land use designation and is also appropriate in the context of the Drake Neighborhood Action Plan so long as there are zoning conditions in place to ensure future development is compatible with the adjoining residential development.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Site Plan Requirements:** Any future development of the site must conform to the City's site plan requirements, including those regarding stormwater management, landscaping, and screening of adjoining residential properties. Staff recommends that any off-street parking be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District. Staff also recommends that the streetscape along University Avenue be landscaped in accordance with the City's Landscape Standards as applicable to the "C-3" District.
2. **NPC Design Guidelines:** Should the property be rezoned to "NPC" District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the "NPC" District. *(A Site Plan has not been submitted for consideration at this time.)*
 - A) Buildings should frame the street and maintain a minimal setback from the street.
 - B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
 - C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
 - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
 - E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
 - F) Building frontage should occupy at least 50 percent of the primary street frontage.
 - G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:

- a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.
- H) The following bulk regulations should be observed:
- a. Minimum lot area:
 - i. Single-family detached dwelling, 5,000 square feet.
 - ii. Single-family semidetached dwelling, 3,000 square feet.
 - iii. Two-family dwelling, 6,000 square feet.
 - iv. Multiple dwelling, 10,000 square feet.
 - v. Mixed-use project, 10,000 square feet.
 - vi. Shelter for the homeless, 8,000 square feet.
 - vii. No minimum requirement for permitted nonresidential uses.
 - b. Minimum lot area per dwelling unit:
 - i. Row and multiple dwellings, 2,000 square feet.
 - ii. Shelter for the homeless, 300 square feet of lot size for each resident.
 - c. Front yard: minimum of zero feet.
 - d. Side yards: minimum of zero feet.
 - e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
 - f. Height: minimum of 15 feet, maximum of 45 feet.
 - g. Number of stories:
 - i. Residential uses, a maximum of four stories.
 - ii. All other permitted uses, a maximum of two stories.
- I) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

3. **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 apply the design regulations in section 82-213 and the additional design guidelines set forth below. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the

conformance of the site plan with such design regulations and the following guidelines.
(A Site Plan has not been submitted for consideration at this time.)

- A) Architectural character. New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.
 - B) Building height and mass. Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.
 - C) Building orientation. To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.
 - D) Garage access/location. If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.
 - E) Rooftop/second story additions. A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhand the front or side walls of the existing building.
 - F) Emergency egress. All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.
 - G) Parking. Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.
4. **Permitted Uses:** Staff recommends that the following uses also be prohibited, given the proximity to residential uses and Drake University: billiard parlor/game room, communication tower/antenna (unless as an extension of 20 feet or less from the structure), delayed deposit services, pawn brokers, gas stations/convenience stores, off-premises advertising signs, and liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
5. **Urban Design:** The design of any future multiple-family residential development would be reviewed during the Site Plan phase. The conceptual building elevations submitted with the rezoning application demonstrate a 2-story building with a flat roof and

balconies on the north and south sides of the building. The elevations demonstrate the building would be primarily sided with brick and cement board siding. Staff recommends that the façades facing University Avenue and the two shorter side façades shall be sided with at least 2/3 brick or masonry materials, with the balance being sided with either brick, masonry, or cement board materials. At least 1/3 of the north rear façade should be sided with brick or masonry materials, with the balance being sided with either brick, masonry, or cement board materials. The elevations also demonstrate the building entrances would be located on the east (side) and west (side) façades within stair columns that would be sided with cement board. Staff believes that any building constructed should also have at least one entrance oriented towards University Avenue.

6. **Utilities:** Public sanitary sewer and Des Moines Waterworks Water mains are available in 23rd Street. Public storm sewer is available at an adjoining intake at the intersection of 23rd Street and University Avenue.
7. **Natural Site Features:** The site includes mature trees that potentially could be removed to accommodate future development. Development of the site must be in compliance with the City's Tree Removal and Mitigation Ordinance (Chapter 42 Section 42-550 of the City Code).
8. **Parking & Access:** The submitted conceptual site sketch shows a 19-stall parking lot to the north side of the building, with drive approaches from 23rd Street and the north/south alley. Multiple-family residential development typically requires 1.5 parking spaces per dwelling unit (30 parking spaces for 20 dwelling units). However, the parking standards for the "NPC" District are 40% less than the typical requirement so the required parking would be reduced to 18 parking spaces. The "NPC" District also allows on-street parking spaces to be counted towards meeting the parking requirement if they adjoin the subject property. In this instance, there is not on-street parking adjoining the property.

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

Abbey Gilroy 3209 Ingersoll stated they have owned this property for 18 months and now have the corner lot under contract, along with the one behind it to give them more depth. This project is going to target the demand for 1 bedroom units. They did attend the neighborhood meeting on October 11th, one of the biggest issues was the dark colors of the building. Since that meeting they have revised the design to be a lighter color and will meet with the neighborhood again in November. They have spoken to Kum and Go and other properties around this property to initiate some improvement around them as well. This area has been underutilized for a long time and with the landscape plan, they would like to plant some more trees, remove the damaged brick paths and replace it with concrete sidewalks. They are asking for more time to work with staff on brick requirements for the building.

Jacqueline Easley asked if they object to the percentage of brick requested by staff.

Abbey Gilroy stated it is the percentage as well. They believe they can work with staff to reach an agreeable design.

Mike Ludwig stated if the commission wants to allow flexibility for the applicant to work with staff, the Commission would need to modify condition #6.

John "Jack" Hilmes asked the difference between masonry materials from brick?

Mike Ludwig stated under tax abatement guidelines "durable materials" also includes cement board panels, concrete block, etc.

John "Jack" Hilmes asked what is the cost difference between materials.

Greg Wattier stated masonry material would be more costly than other types of material.

Will Page asked if a Section 106 review was conducted regarding removal of the existing commercial building.

Abbey Gilroy stated they have been working with Jason Van Essen and the only feedback they had so far is to first try to relocate the building. However, if the building cannot be relocated, there would be a 30-day City process to review the demolition of the building.

Mike Ludwig suggested rewording condition 6 to read "final building materials are subject to review and approval by the plan and zoning commission".

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of Part A) the rezoning be found in conformance with the existing PlanDSM future land use plan of Neighborhood Mixed Use and approval of Part B) requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
 - i) taverns and nightclubs
 - j) billiard parlor/game room
 - k) communication tower/antenna (unless as an extension of 20 feet or less from the structure)
 - l) delayed deposit services
 - m) pawn brokers
 - n) gas stations/convenience stores
 - o) off-premises advertising signs
 - p) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.

2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan.

However, the density of any development shall not exceed 45 dwelling units per acre (20 dwelling units on a 0.445-acre site).

3. Any development 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 shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward University Avenue.
6. **The final building materials are subject to Planning and Zoning approval with site plan review. Staff shall work with the applicant to identify acceptable types and amounts of materials for consideration by the Commission.**
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining University Avenue Right-Of-Way in accordance with the City's parkway plantings Landscape Standards as applicable to the "C-3" District.
10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates.

Motion Passed: 12-0 (Mike Simonson recused himself)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

58

ZON2017-00166

Date 11 Oct 2017 JT

(am) (am not) in favor of the request.

CARPENTER (# DRAFT) NEIGHBORHOOD ASSOCIATION

(Circle One) RECEIVED

Print Name ROBERT GIEBER

COMMUNITY DEVELOPMENT

Signature Robert C. Gieber

OCT 20 2017

Address 2315 CARPENTER AVE.

Reason for opposing or approving this request may be listed below.

The area will benefit from this development. However the complex will need security fence on all sides. The Kum N Go attracts very rough characters. Rumor is that Kum N Go will pull out to become a less dependable convenience store - THAT would be DISCOURAGING.

ZON2017-00166

Date 10/16/17

(am) (am not) in favor of the request.

(Circle One) RECEIVED

Print Name Charles Murray

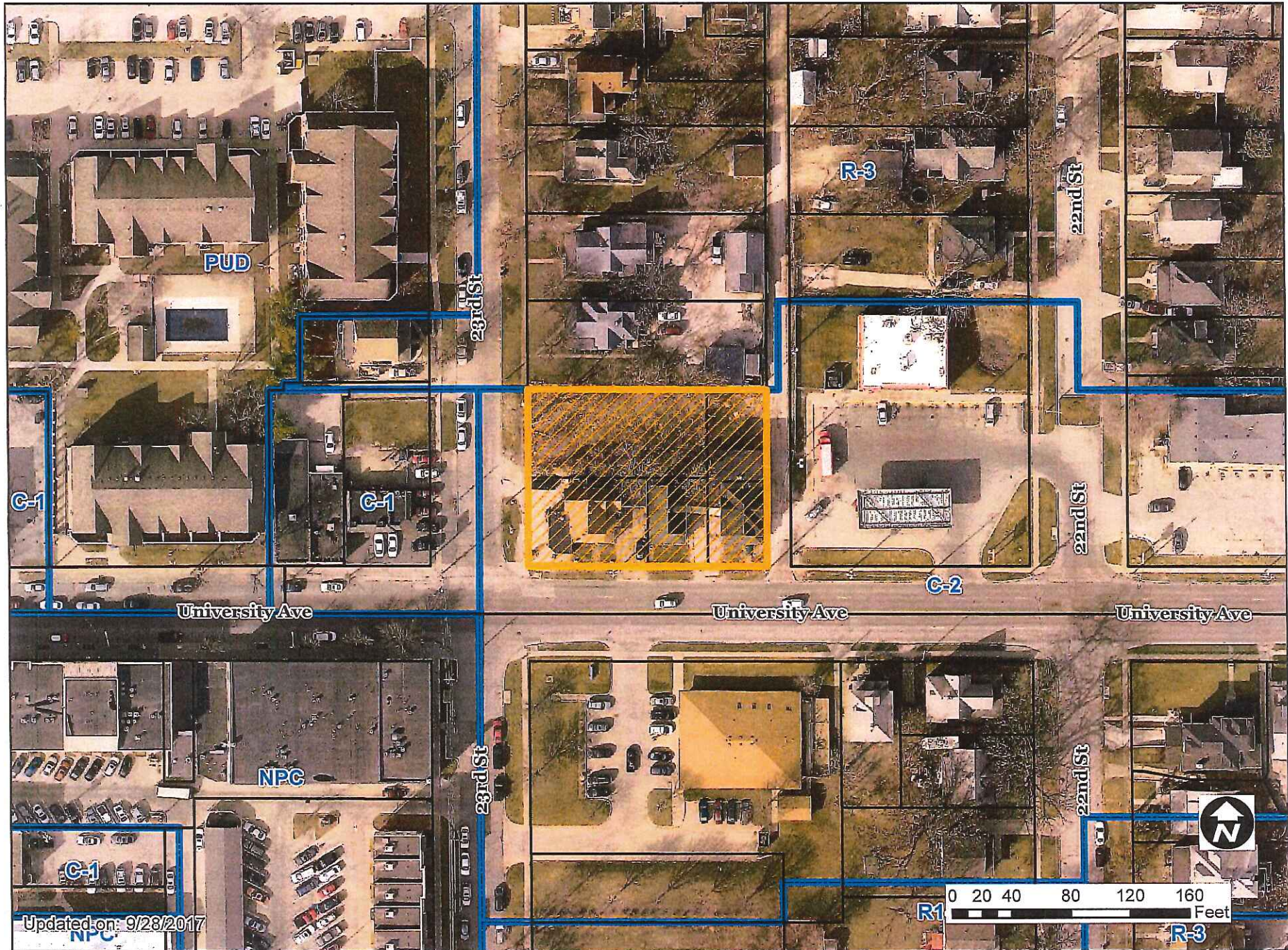
COMMUNITY DEVELOPMENT

Signature Charles Murray

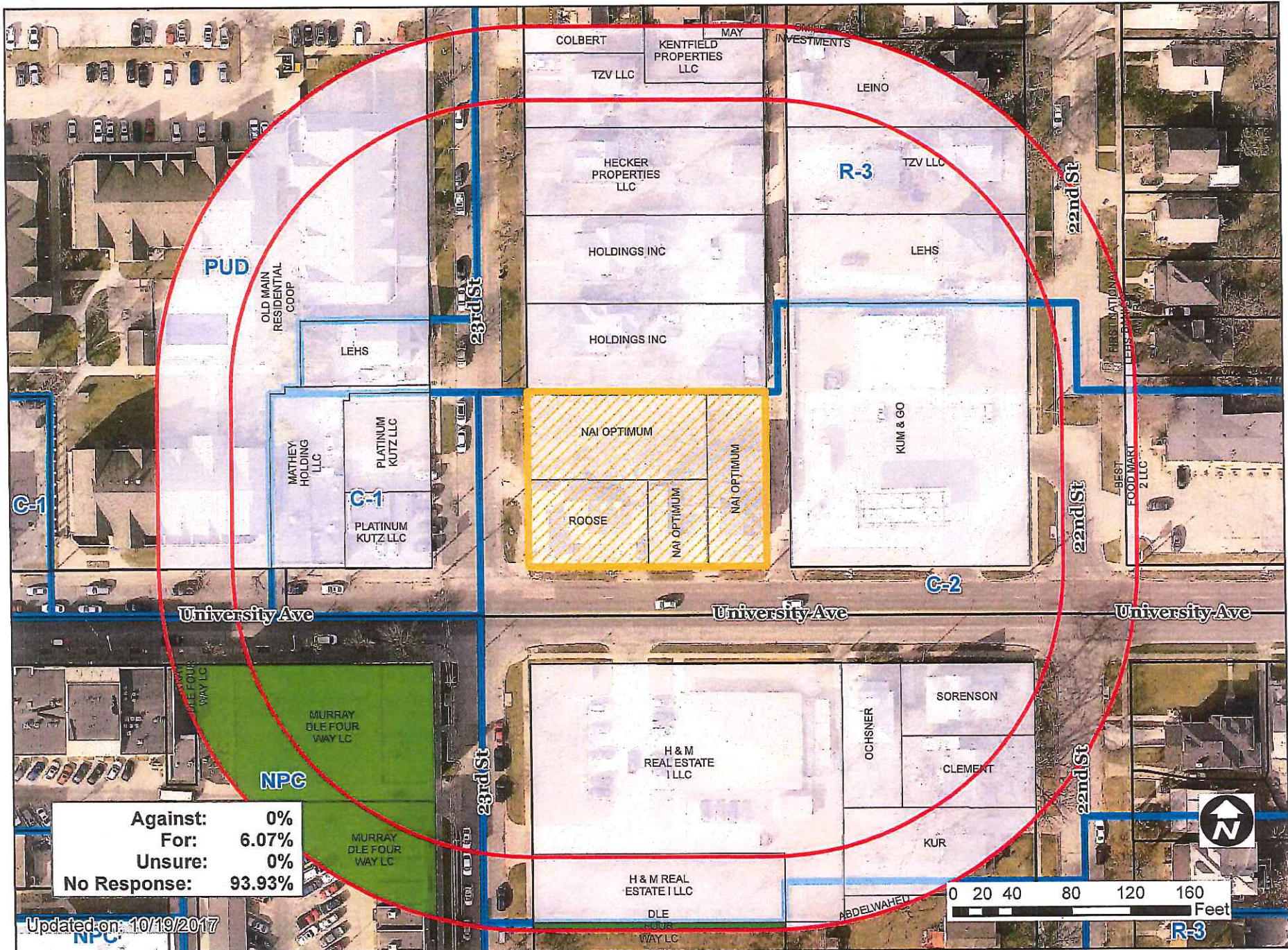
OCT 16 2017

Address 240 SE Tower, Suite #17
Arkney, IA 50021

Reason for opposing or approving this request may be listed below.



58 17



584