



Roll Call Number

Agenda Item Number

58A

Date November 20, 2017

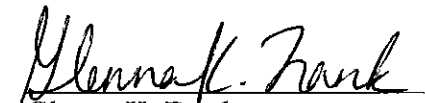
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2217-2225 University Avenue and 1207 23rd Street from the "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)


Glenna K. Frank
Assistant City Attorney

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

S8A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
Title of Document: City of Des Moines, Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
Legal Description: See page 1, below.

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2217-2225 University Avenue and 1207 23rd Street from the "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 2217-2225 University Avenue and 1207 23rd Street, more fully described as follows, from the "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District classification:

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.

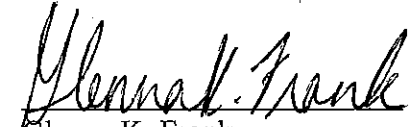
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (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.
- (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.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney

58A

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Neighborhood Development Corporation and Don L. Roose (Owners)
Grantee's Name: City of Des Moines, Iowa
Legal Description: 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. (Herein "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Neighborhood Development Corporation is the titleholder of 2217 and 2221 University Avenue and 1207 23rd Street, and Don L. Roose, II is the titleholder of 2225 University Avenue, legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, we agree and accept on behalf of the owner to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

- (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

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DON L. ROOSE II

Don L. Roose II
Don L. Roose II

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on 11-9, 2017, by Don L. Roose II.

Carole Cook
Notary Public in and for the State of Iowa



SPOUSE OF OWNER (IF ANY)

Ellen B. Roose
By: ELLEN ROOSE
(Print Name)

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on 11-9, 2017, by ELLEN ROOSE, as spouse of Don L. Roose II.



Carole Cook
Notary Public in the State of Iowa