

Date July 11, 2011

WHEREAS, on April 25, 2011, by Roll Call No. 11-0750, the City Council duly resolved to hold a public hearing on May 9, 2011, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Paul Koester to rezone property located at 1704 High Street from C-2 General Retail and Highway Oriented Commercial District to NPC Neighborhood Pedestrian Commercial District to develop a 21-unit three-story apartment building with minimal street setback from 17th Street and High Street that will be subject to an NPC and Multi-family Site Plan review by the Plan and Zoning Commission. The subject property is owned by 1717 Ingersoll, LLC; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on April 28, 2011, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at its meeting on May 5, 2011 the Plan and Zoning Commission recommended that the rezoning to NPC be subject to the following additional conditions which were mistakenly omitted from Roll Call No. 11-0892 and Ordinance No. 15,016 rezoning the property to the NPC Neighborhood Pedestrian Commercial District:

- A. 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.
- B. Prohibit the use of the property for the following:
 - (1) Billiard parlor/game room.
 - (2) Taverns and night clubs.
 - (3) Communication Tower/Antenna (unless as an extension of 20 feet or less from the structure).
 - (4) Gas Stations/convenience stores.
 - (5) Package goods liquor store.
- C. Any future development of the site shall be subject to the Plan and 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 and Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.
- D. When the Site Plan comes back to the Plan and Zoning Commission off-street parking shall be maximized.

★ Roll Call Number

Agenda Item Number

11-1224

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Date July 11, 2011

Date

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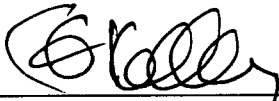
WHEREAS, in accordance with the published notice those interested in the proposed rezoning, both for and against, were given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, on May 23, 2011 by Roll Call No. 11-0912, the City Council, having closed the hearing on May 9, 2011 by Roll Call No. 11-0826, gave final passage to Ordinance No. 15,016 which authorized rezoning of the property to the NPC district classification without the conditions as recommended by the Plan and Zoning Commission and as agreed to by all of the owners.

WHEREAS, all owners of the property have accepted these conditions to rezoning the Property to NPC district classification by submitting an Acceptance of Rezoning Ordinance which impose conditions on the Property enforceable on the owners and their successors in interest and which will be recorded in the official land records of Polk County, Iowa.

Moved by Hensley that the corrected rezoning ordinance repealing and replacing Ordinance No. 15,016 be considered and given first vote for passage.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

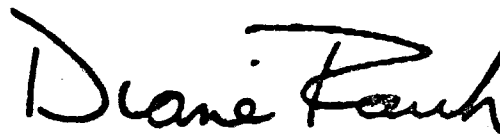
APPROVED

T. M. Franklin 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