



Roll Call Number

13-0798

Agenda Item Number

28

Date May 20, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2013, its members voted 9-1 in support of a motion to recommend **APPROVAL** of a request from Scott Hartsook and Dennis Groenenboom (purchasers), Parker Street Foundation and Harold Wells (owners) to rezone property at 3500 Kingman Boulevard from R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District, to allow use of the property for assembly and small office uses subject to the following conditions:

1. The use of the property shall be limited to the following:
 - a) Any use as allowed and limited in the R1-60 District.
 - b) Office space.
 - c) Events center for meeting, reception, or assembly space.
2. Any use of the site and any future site modifications shall be in accordance with a Site Plan under the Design Guidelines for the NPC District as approved by the Plan & Zoning Commission.
3. Any use of the building must be in compliance with all City Building and Fire Codes, including those related to occupancy loads, emergency exits, and restroom facilities.
4. In order to comply with minimum parking requirements, any use of the premises for an office and/or events center use shall occupy no more than 1,200 square feet of area for office space and no more than 1,950 square feet of assembly space.
5. The existing structure shall not be expanded and shall not be modified to alter the existing residential character.
6. The property shall not be a permanent licensed establishment for selling alcoholic liquor, wine, and/or beer. However, caterers, residents, renters, and guests may serve and consume alcoholic liquor, wine, and/or beer in accordance with all City and State requirements.
7. Hours of operation shall be limited to between 7:00 AM to 12:00 AM, with all events ending by 11:00 PM.
8. A 6-foot tall solid wood fence shall be provided along the west property line within the rear yard area, located on either the subject property or the adjoining property.
9. Signage on the premises shall be limited to one monument sign not to exceed 24 square feet.
10. The Site shall operate in compliance with article IV of chapter 42 of the Municipal Code (Noise Control Ordinance).



Roll Call Number

13-0798

Agenda Item Number

28

Date May 20, 2013

- 11. Any residential dwelling unit within the structure shall be in accordance with any necessary Rental Certificate as issued by the City's Neighborhood Inspections Division.
- 12. 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.
- 13. A buffer on the west property line shall be provided that is deemed suitable by the applicant, neighbor and staff.

The subject property is more specifically described as follows:

Lots 1 and 2, Knox Place Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

- 1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 10, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by Hensley to adopt.

Michael F. Kelley
Michael F. Kelley
Assistant City Attorney

(ZON2013-00052)

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

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.

T. M. Franklin
T. M. Franklin
Mayor

Diane Rauh
Diane Rauh
City Clerk