

★ Roll Call Number

13-0941

Agenda Item Number

SOB

Date June 10, 2013

WHEREAS, on May 20, 2013 by Roll Call No. 13-0798, it was duly resolved by the City Council that the application of Scott Hartsook and Dennis Groenenboom (purchasers), Parker Street Foundation and Harold Wells (owners) to rezone certain property located in the vicinity of 3500 Kingman Boulevard from the R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District classification, more fully described below, be set down for hearing on June 10, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on May 30, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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 following described property:

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

from the R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- (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.

★ Roll Call Number

13-0941

Agenda Item Number

50B

Date June 10, 2013

-2-

- (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).
- (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.

★ Roll Call Number  
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Agenda Item Number  
50B

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from R1-60 One-Family Low-Density Residential District to a Limited NPC Neighborhood Pedestrian Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited NPC Neighborhood Pedestrian District classification is hereby APPROVED.

Moved by Hensley to continue to June 24, 2013 at 5:00 PM; refer to the City Manager to work with the applicant and the neighbors regarding the conditions for use of the property.

FORM APPROVED:

  
 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 Cownie  
 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.

Diane Rauh  
 City Clerk