



Roll Call Number

16-0888

Agenda Item Number

52

Date May 23, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY LOCATED AT 2619 SW 9TH STREET FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT

WHEREAS, on May 9, 2016, by Roll Call No. 16-0762, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2016, its members voted 10-0 to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to rezone property located at 2619 SW 9th Street ("Property") from "C-1" Neighborhood Retail Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow commercial development of the site, subject to the following conditions:

1. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
2. The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores; 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 2619 SW 9th Street, legally described as:

Lot 5 in HATTON ACRES PLAT 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "C-1" Neighborhood Retail Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow commercial development of the site, subject to the conditions stated

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above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its 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 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 is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan designation of Community Mixed Use.
3. The proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT; refer to the City Manager to provide a plan of action on the Land Use Bank by June 13, 2016.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00048)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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.

Diane Rauh

City Clerk