



Roll Call Number

16-1202

Agenda Item Number

20

Date July 25, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY LOCATED AT 3201, 3211 AND 3221 FOREST AVENUE AND 1414 AND 1420 32<sup>ND</sup> STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2016, its members voted 9-0-1 in support of a motion to recommend APPROVAL of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to rezone property located at 3201, 3211 and 3221 Forest Avenue and at 1414 and 1420 32<sup>nd</sup> Street (collectively "Property") from Limited "NPC" Neighborhood Pedestrian Commercial District and "R1-60" One-Family Low-Density Residential District to amended Limited "NPC" Neighborhood Pedestrian Commercial District, to allow development with 50 units of 2-story multi-family dwellings, subject to the following conditions:

- 1. The following uses shall be prohibited on the Property:
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 on the Property shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan;
3. Any development of the Property 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 on the Property shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential;
5. The siding material on the front facade of any structure on the Property shall primarily consist of full dimension brick or masonry materials, which material shall be used on side and rear facades in a pattern that relates to the front facade;
6. The use of vinyl and/or EIFS siding is prohibited on the Property;
7. Any shingles used on the Property shall be architectural style;
8. Any off-street parking on the Property shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District;
9. Any development of the Property shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District; and
10. Any trash enclosure on the Property shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates; and

WHEREAS, the Property is legally described as follows:

The South 135 feet of Lot 1, (except the North 80 feet) Lot 2, all of Lot 3, (except the North 142 feet) Lot 4, RUTLEDGE PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

( continued )



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-2-

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on August 8, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2016-00112)

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