



Roll Call Number

17-2005

Agenda Item Number

58

Date November 20, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY AT
2217-2225 UNIVERSITY AVENUE AND 1207 23RD STREET**

WHEREAS, on November 6, 2017, by Roll Call No. 17-1888, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 19, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (NDC) (owner), represented by Abbey Gilroy (officer), to rezone property locally known as 2217-2225 University Avenue and 1207 23rd Street (collectively "Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with a 2-story, 20-unit multi-family dwelling, subject to the following rezoning conditions:

1. The following uses shall be prohibited:
 - 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 shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 45 dwelling units per acre (20 dwelling units on a 0.445-acre site).
3. Any development 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 shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward University Avenue.
6. The building façade materials facing University Avenue along with the two shorter side facades and the north rear façade shall be subject to Plan and Zoning Commission Site Plan review and approval, and the Property owner is directed to work with City staff to determine appropriate materials.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.



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9. Any development shall include a landscaped streetscape within adjoining University Avenue Right-Of-Way in accordance with the City's parkway plantings Landscape Standards as applicable to the "C-3" District.
10. 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; and

WHEREAS, on November 6, 2017, by Roll Call No. 17-1888, it was duly resolved by the City Council that the application of NDC to rezone the Property, as legally described below, be set down for hearing on November 20, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center; 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 2217-2225 University Avenue and 1207 23rd Street, legally described as:

Lots 401 and 402, in UNIVERSITY LAND COMPANY'S 2ND ADDITION, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with a 2-story, 20-unit multi-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their 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 revised 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 to revised Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, is hereby found to be in conformance with

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the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

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

(ZON2017-00166)

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