



Roll Call Number

19-0039

Agenda Item Number

24

Date January 14, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
NJREC, INC. TO REZONE PROPERTY LOCATED AT 938 12TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 20, 2018, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from NJREC, Inc. (owner), represented by Nick Jensen (officer), to rezone property in located at 938 12th Street ("Property") from "M-1" Light Industrial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with 14 row townhome dwellings, subject to the following conditions:

1. All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
2. Review and approval of the finalized building elevations and materials by the Planning Administrator.
3. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
4. 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, the Property is legally described as follows:

LOT 3 IN BLOCK 7 IN GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF THE 24.0 FOOT WIDE 12TH PLACE RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1, LOT 3 AND LOT 4, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALSO KNOWN AS LOT N, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.



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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 Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 28, 2019, 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 Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00244)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

J. M. Frankiewicz Cownie Mayor

Diane Rauh City Clerk