



Roll Call Number

19-0078

Agenda Item Number

52B

Date January 14, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM
CS FAMILY PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT
1900, 1904, 1912 AND 1914 SOUTHWEST 1ST STREET**

WHEREAS, on December 17, 2018, by Roll Call No. 18-2067, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 6, 2018, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (owner), represented by Cory Steiner (officer), to rezone property locally known as 1900, 1904, 1912 and 1914 Southwest 1st Street ("Property") from "R-3" Multiple-Family Residential District to Limited "D-R" Downtown Riverfront District, to allow redevelopment for senior living apartments at a density of up to 40 units per acre, subject to the following rezoning conditions:

1. Tavern and Nightclub uses shall be prohibited on the Property.
2. The total number of residential units developed on the Property shall not exceed 40 units per acre.
3. Any redevelopment of the Property shall conform to any Building Codes and Site Plan regulations including design guidelines reviewed by the Plan and Zoning Commission in "D-R" Districts, and shall be subject to issuance of all necessary permits by the Permit and Development Center.
4. Any redevelopment of the Property for multiple-family residential shall conform to Site Plan design guidelines for multiple-family dwellings reviewed by the Plan and Zoning Commission.
5. Any redevelopment of the Property shall require the full urban cross section reconstruction of all adjoining portions of Southwest 1st Street, along with any contiguous segment of public street providing a route to an access for any developed off-street parking on the Property; and

WHEREAS, on December 17, 2018, by Roll Call No. 18-2067, it was duly resolved by the City Council that the application of CS Family Properties, LLC to rezone the Property, as legally described below, be set down for hearing on January 14, 2019 at 5:00 p.m. in the Council Chambers at City Hall; 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

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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 1900, 1904, 1912 and 1914 Southwest 1st Street, legally described as:

LOTS 3 AND 4 IN BLOCK 5 VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "R-3" Multiple-Family Residential District to Limited "D-R" Downtown Riverfront District, 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 Limited "D-R" Downtown Riverfront District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "D-R" Downtown Riverfront District with conditions as set forth above, is hereby found to be in conformance with 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 Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00233)

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

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. Frankin Cownie, Mayor

Diane Rauh, City Clerk