



Date February 11, 2013

WHEREAS, on January 28, 2013 by Roll Call No. 13-0107, it was duly resolved by the City Council that the application of Hatch Development Group (purchaser) and Neighborhood Development Corporation (owner) to rezone certain property located in the vicinity of 501, 509 and 513 Forest Avenue from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial to NPC Neighborhood Pedestrian Commercial District classification to allow for development of 41 residential units, more fully described below, be set down for hearing on February 11, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on January 31, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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 following described property:

South 82 feet of the East 50 feet, Lot 1, Bates Addition, an Official Plat, and the South 100 feet of the West 42 feet, Lot 1, Bates Addition, and the South 100 feet of the East 10 feet, Lot 1, Hedges Addition, an Official Plat, and the West 50 feet of Lot 1, Hedges Addition and Lot 3, Hedges Addition, and an un-numbered lot between Lots 1 and 3, Hedges Addition sometimes known as Lot 2, Hedges Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial to NPC Neighborhood Pedestrian Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

(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,



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- 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.
- (3) Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the C-2 District.
- (4) 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 solid steel gates.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial to a NPC Neighborhood Pedestrian Commercial District classification are hereby overruled, the hearing is closed and the proposed rezoning the NPC Neighborhood Pedestrian Commercial District classification is APPROVED.

Moved by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

**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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk