



Roll Call Number

13-1666

Agenda Item Number

45 A

Date October 21, 2013

WHEREAS, on October 7, by Roll Call No. 13-1558, the City Council duly resolved to consider a request from Youth Emergency Services to rezone certain property located in the vicinity of 918 Southeast 11th Street from the C-1 Neighborhood Retail Commercial District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on October 21, 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 October 12, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 918 Southeast 11th Street, more fully described as follows (the "Property"):

Vacated Vale Street Right-of-Way North of and adjoining and vacated intervening North/South alley Right-of-Way, and also vacated 20 feet Railroad Avenue Right-of-Way located South of and adjoining, and all Block 6, Allens Second Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the C-1 Neighborhood Retail Commercial District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, on September 19, 2013, the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; 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.

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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below:



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- 1) Addition of a note that any Development Plan shall comply with all Tree Preservation and Mitigation Ordinances.
- 2) Revision of the stormwater management statement to reflect compliance with the minimum requirements in the City's Site Plan policies.
- 3) Indication of conceptual location(s) for storm water management features.
- 4) Restoration of the Southeast 11th Street right-of-way to remove encroachment of off-street parking in addition to providing a minimum five-foot off-street parking setback with a three-foot landscape screen on both Southeast 10th Street and Southeast 11th Street.
- 5) Provision of minimum bufferyard requirements as applicable to "R-3" Districts as part of any future off-street parking extension.
- 6) Relocation of the public sidewalk to the south shall be shown based on the displacement by proposed building addition.
- 7) Revision of the parking standards to define parking requirements as they are required for shelters for the homeless contained in Section 134-1377(a)(30).
- 8) Provision of a note requiring architectural screening of any roof top mechanical units as part of any building addition.
- 9) Provision of fencing details for all site fencing to be permitted.

3. The rezoning to the PUD Planned Unit Development District classification and the PUD Conceptual Plan for the Property described above, which are on file in the Community Development Department, are hereby approved, subject to the plan being first amended to satisfy the conditions set forth in the attached letter from the Planning Administrator, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan.

MOVED by Meyer to adopt and approve the rezoning to the PUD District classification and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley
 Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
Y. 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