



Roll Call Number

13-1963

Agenda Item Number

15

Date December 23, 2013

RESOLUTION SCHEDULING NEW HEARING ON APPLICATION OF DIVERSITY INSURANCE, INC., TO REZONE PROPERTY AT 1533 AND 1541 E. GRAND AVENUE FROM THE "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT TO A LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT CLASSIFICATION

WHEREAS, on November 18, 2013, by Roll Call No. 13-1844, the City Council closed the public hearing on the request from Diversity Insurance, Inc. (owner), represented by Juan Rodriguez (officer), to rezone property it owns at 1533 and 1541 E. Grand Avenue, and more specifically described as follows:

All Lots 18, 19 and 20, Block 45, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District, to allow a 5,500 square foot expansion of the existing building at 1541 E. Grand Avenue for pedestrian-oriented mixed-neighborhood level retail or office uses, subject to the owner agreeing that the following uses of structures and land shall not be permitted on the Property: liquor stores, taverns and nightclubs, and off-premises advertising signs; and,

WHEREAS, the limitation on the allowed uses permitted on the Property was not incorporated into Ordinance No. 15,241 passed December 9, 2013, which rezoned the Property to the "NPC" District without any special limitations; and

WHEREAS, the publication of Ordinance No. 15,241 has been delayed to allow the City Council to consider this matter at a new hearing; and,

WHEREAS, the City Council desires to hold a new hearing on the proposed rezoning to enable the recommended limitations on the allowed uses of the Property to be enforceable against the current and future owners of the Property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers at City Hall, Des Moines, Iowa at 5:00 p.m. on January 13, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.



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- 2. 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 McHaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown  
Assistant City Attorney  
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(ZON2013-00160)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| VOSS           | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| 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