



Roll Call Number

13-1964

Agenda Item Number

16

Date December 23, 2013

RESOLUTION SETTING HEARING ON A REQUEST FROM UNIVERSITY GROUP, L.L.C., REPRESENTED BY JEFF SPENCE (OFFICER), TO REZONE PROPERTY LOCATED AT 1414 FREMONT STREET, TO ALLOW REDEVELOPMENT OF THE PROPERTY FOR A COMMERCIAL CENTER

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2013, a motion was passed on a vote of 13-0 to recommend **APPROVAL** of a request from University Group, L.L.C. (applicant), represented by Jeff Spence (officer), to rezone Property owned by Des Moines Public Schools and located at 1414 Fremont Street from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification, to allow redevelopment of the property for a commercial center, subject to the following conditions:

- a) The Property shall be subject to the "VDL" Vehicle Display Lot Overlay District regulations.
- b) The following uses of land and structures shall be prohibited upon the Property:
 - 1) Adult entertainment businesses;
 - 2) Delayed deposit services;
 - 3) Garages for general motor vehicle repair;
 - 4) Liquor stores, taverns and nightclubs;
 - 5) Off-premises advertising signs;
 - 6) Pawnbrokers.
- c) Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

WHEREAS, the Property is more specifically described as follows:

West ½ of Lot 3, Block 33, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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, 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.



Roll Call Number

13-1964

Agenda Item Number

16

-2-

Date December 23, 2013

- 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 Mahaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\P&Z Roll Calls 13-12-23\RC Set Hrg - Rezoning 1414 Fremont St.doc

(ZON2013-00185)

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

MOTION CARRIED

APPROVED

T. M. Franklin Council 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