



Roll Call Number

14-0085

Agenda Item Number

54B

Date January 13, 2014

RESOLUTION CLOSING HEARING ON APPLICATION OF UNIVERSITY GROUP, L.L.C., TO REZONE PROPERTY 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, AND CONDITIONALLY APPROVING SAME.

WHEREAS, on December 23, 2013 by Roll Call No. 13-1964, it was duly resolved by the City Council that the application of University Group, L.L.C. (hereinafter "University Group"), represented by Jeff Spence, officer, to rezone the Property in the vicinity of 1414 Fremont Street more specifically described below, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification, be set down for hearing on January 13, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, University Group is purchasing the Property from the Des Moines Independent Community School District; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on January 2, 2014, 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 Property at 1414 Fremont Street, more specifically described as follows:

West 1/2 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

from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification, to be effect upon University Group taking title to the Property, and subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by University Group, to be binding upon University Group and its successors and assigns:

- a) The Property shall be subject to the "VDL" Vehicle Display Lot Overlay District regulations as set forth in Chapter 134, Zoning Ordinance, of the Municipal Code of the City of Des Moines.



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- 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.

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 the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "C-2" District classification is hereby APPROVED.

MOVED by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VOSS	✓			
TOTAL	7			

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.

T. M. Franklin Cownie  
Mayor

Diane Rauh  
City Clerk