



Roll Call Number

13-0591

Agenda Item Number

45B

Date April 8, 2013

WHEREAS, on March 25, 2013 by Roll Call No. 13-0462, it was duly resolved by the City Council that the application of PE, LLC to rezone certain property located in the vicinity of 1734 East University Avenue and 1213 East 17<sup>th</sup> Court from the C-2 General Retail and Highway Oriented Commercial District to the Limited C-2 General Retail and Highway Oriented Commercial District classification, more fully described below, be set down for hearing on April 8, 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 March 28, 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:

(except beginning at the Southwest corner of Lot 18; thence East 125.03 feet to the Southeast corner of Lot 18; thence North 10.18 feet; thence Southwest 125.29 feet; thence South 2.05 feet to Point of Beginning) Lots 18, 19, and 20, Block 8, Stalford & Dixons Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

~~from the C-2 General Retail and Highway Oriented Commercial District to the Limited C-2 General Retail and Highway Oriented 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) Prohibit use of the property for adult business, taverns and nightclubs, liquor stores, off-premises advertising signs, or delayed deposit services and pawn brokerages.
- 2) Any reuse of the property for a use not permitted in "C-1" shall require a Site Plan as approved by the Permit and Development Center that is in conformance with current design guidelines and landscaping.

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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 C-2 General Retail and Highway Oriented Commercial District to the 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 Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and 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 Council Mayor

Diane Rauh City Clerk