



Roll Call Number

14-0088

Agenda Item Number

55

Date January 13, 2014

RESOLUTION CLOSING HEARING ON REQUEST FROM DIVERSITY INSURANCE, INC., TO REZONE PROPERTY IT OWNS 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, AND CONDITIONALLY APPROVING SAME.

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 limitations on the allowed uses permitted on the Property identified below; and,

WHEREAS, the limitations 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, on December 23, 2013, by Roll Call No. 13-1963, it was duly resolved by the City Council that the proposed rezoning be set down for a new hearing on January 13, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 2, 2013, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said 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 described above from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District, subject to the following limitations which are agreed to and accepted by

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execution of an Acceptance of Rezoning Ordinance in writing by all owners of the Property and is binding upon the owners and their successors, heirs and assigns as follows:

The following uses of structures and land shall not be permitted on the Property:

- a) Liquor stores;
- b) Taverns and nightclubs; and,
- c) Off-premises advertising signs.

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 of the Property to a Limited "NPC" Neighborhood Pedestrian Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Voss 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	✓			
VOSS	✓			
MOORE	✓			
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.

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

Diane Rauh City Clerk