



**Roll Call Number**

14-1293

**Agenda Item Number**

18

**Date** August 25, 2014

**RESOLUTION SETTING HEARING ON REQUEST FROM 3 STOOGES, LLC (PURCHASER), REPRESENTED BY CHRIS FISCHELS (OFFICER), TO REZONE PROPERTY LOCATED AT 3703, 3719, AND 3727 SOUTHEAST 14<sup>TH</sup> STREET FROM “R1-60” ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED “C-2” GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT, TO ALLOW THE SUBJECT PROPERTY TO BE REDEVELOPED FOR A RETAIL/OFFICE COMMERCIAL CENTER AND RESTAURANT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 7, 2014, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from 3 Stooges, LLC (purchaser), represented by Chris Fischels (officer), to rezone property located at 3703, 3719, and 3727 Southeast 14th Street (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow the Property to be redeveloped for a retail/office commercial center and restaurant, subject to the owner agreeing to the following conditions:

1. The easternmost 120 feet of the Property shall remain “R1-60” One-Family Low-Density Residential District.
2. Provision of an access easement for the existing driveway to the property at 3801 SE 15th Street.
3. Any commercial development which includes the Property shall be subject to the following conditions and restrictions:
  - a. The primary exterior materials of any building placed to a commercial use shall consist of brick, textured block or tile or similar materials.
  - b. There shall be no vehicular access from the development through any residentially zoned property.
  - c. Vehicular access to the Property shall be provided by means of an extension of the frontage road from where it exists to the south of the Property, and such frontage road shall be extended to the north boundary of the Property. The owners of the Property shall provide a cross access easement to permit the land to the north of the Property to use the frontage road.
  - d. The Property shall not be used for the sale of used motor vehicles; and

**WHEREAS**, the Property is legally described as follows:

EXCEPT THE WEST 35.5 FEET, LOTS 5 AND THE SOUTH 22 FEET OF LOT 4 IN INDIANOLA ACRES, AN OFFICIAL PLAT; AND

EXCEPT THE WEST 35.5 FEET, LOT 8 IN INDIANOLA ACRES, AN OFFICIAL PLAT; AND

ALL OF PARCEL C AS RECORDED IN BOOK 8137 PAGE 593 IN THE RECORDER’S OFFICE OF POLK COUNTY, IOWA;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 September 8, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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 Hensley to adopt.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

(ZON2014-00126)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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