

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> June 11, 2018
	<b>Agenda Item No.</b> 57 <b>Roll Call No.</b> <u>18-1018</u> <b>Communication No.</b> <u>18-285</u> <b>Submitted by:</b> Phillip Delafield, <b>Community Development Director</b>

**AGENDA HEADING:**

Review of Zoning Board of Adjustment decision granting a Use Variance to allow use of the property at 2200 Easton Boulevard for a tire repair shop business in an “R1-60” One-Family Low-Density Residential District.

**SYNOPSIS:**

Staff recommends that the Council decline to remand the decision of the Zoning Board of Adjustment granting a Use Variance to allow use of the property at 2200 Easton Boulevard for a tire repair shop business in an “R1-60” One-Family Low-Density Residential District.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- On May 23, 2018, the Zoning Board of Adjustment voted 5-0 to approve a Use Variance that allows for a tire repair shop business in an “R1-60” One-Family Low-Density Residential District.
- The conditions imposed by the Zoning Board of Adjustment are intended to protect the surrounding neighborhood from any negative impacts of the business. The conditions prohibit any outdoor storage and any outdoor work on vehicles. The condition also prohibits any display of vehicles for sale. The Zoning Officer also has the ability to bring the Use Variance back to the Board for reconsideration if the business becomes a nuisance.
- The site was previously used for a vehicle display lot until that use lapsed for a period longer than six (6) months, causing the site to lose its legal non-conforming rights.
- The site is located along the north side of Easton Boulevard between East 22<sup>nd</sup> Street and Searle Street. It is located within the Fairmont Park Neighborhood.
- The site is owned by Angel Groff, 2721 Shoreview Circle, Des Moines, IA 50320.
- Pursuant to City Code Section 134-65, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council’s action (June 11, 2018).

**PREVIOUS COUNCIL ACTION(S):**

Date: April 9, 2018

Roll Call Number: [18-0619](#), [18-0620](#), and [18-0621](#)

Action: Items regarding request from Angel Groff, for property at 2200 Easton Boulevard, to allow existing commercial building and property to be used for vehicle repair and/or vehicle display. (Plan and Zoning Commission recommends DENIAL)

- (A) Amend the existing PlanDSM: Creating our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use. Moved by Westergaard to adopt and DENY the proposed amendment. Motion Carried 7-0.
  
- (B) Hearing to rezone property from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial). Moved by Westergaard to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested rezoning of the property to “C-2” General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low-Density Residential, which is not in conformance with the proposed Community Mixed Use of the property as stated above. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Zoning Board of Adjustment

Date: May 23, 2018

Resolution Number: ZON2018-00073

Action: Motion to conditionally grant a Use Variance to allow a tire repair shop, approved by a 5-0 vote.

Board: Plan & Zoning Commission

Date: March 1, 2018

Resolution Number: ZON2018-00015

Action: Motion to recommend denial of a request to rezone the property from “R1-60” One-Family Low-Density Residential District to “C-2” General Retail and Highway-Oriented Commercial District, approved by an 10-0 vote.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).