

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	August 6, 2018
	Agenda Item No.	48
	Roll Call No.	<u>18-1364</u>
	Communication No.	<u>18-415</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting an amendment to a Use Variance to allow use of the property at 2200 Easton Boulevard for an office, retail, or 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 an office, retail, or 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.
- On June 9, 2018, the City Council declined to remand the Decision & Order upon review.
- On June 28, 2018, the property owner (Angel Groff) applied for an amendment to the Use Variance to allow for additional commercial uses besides a tire repair shop business.
- On July 25, 2018, the Zoning Board of Adjustment voted 6-0 to amend the Use Variance to allow only office and retail uses, in addition to the already allowed tire repair business use. The Board declined to allow for general motor vehicle repair, as requested by the property owner.
- 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 conditions also prohibit 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 22nd 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 (August 6, 2018).

PREVIOUS COUNCIL ACTION(S):

Date: June 9, 2018

Roll Call Number: [18-1018](#)

Action: [Review](#) of Zoning Board of Adjustment decision granting use variance to allow a tire repair shop located at 2200 Easton Boulevard, subject to conditions. ([Council Communication No. 18-285](#)) Moved by Westergaard to receive and file the staff report and comments received, and to adopt alternative C. (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: July 25, 2018

Resolution Number: ZON2018-00120

Action: Motion to amend a Use Variance to allow an office, retail, or tire repair shop, approved by a 6-0 vote.

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

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