

★ Roll Call Number

Agenda Item Number

52

Date August 6, 2007

Communication from Ed Conlow, 4801 Observatory Road, to speak regarding the proposed amendment to the municipal code approved by the Des Moines Neighbors referencing plan and zoning requirements.

Moved by _____ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED		APPROVED		
_____ 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.

_____ City Clerk

Rauh, Diane I.

-----Original Message-----

From: services@mycityhall.net [mailto:services@mycityhall.net]

Sent: Friday, July 13, 2007 9:12 AM

To: Rauh, Diane I.

Cc: econlow@aol.com

Subject: Registration Form to Speak at City Council Meeting

Registration Form to Speak at City Council Meeting.

To: The Honorable Mayor and Members of the City Council
City of Des Moines, IA
C/O City Clerk

I/We Ed Conlow ,

hereby request permission to speak at the Des Moines City Council meeting of August 6, 2007 , regarding

A proposed amendment to the municipal code. The proposed amendment, which was approved by Des Moines Neighbors, does two things. First, it says that any plans to build big gas stations (using the NPC standard of more than six places to pump gas at one time) near residential areas must go onto the P&Z agenda. Under current code, it's my understanding that some items, if no zoning change is required, can be reviewed by staff and left off the P&Z agenda, based upon staff review. This proposed amendment goes into an existing code section that already requires certain types of developments, such as used car lots, to always go onto the P&Z agenda, which provides for public notice to the neighborhoods. Second, this proposed amendment says that P&Z can only approve such plans based upon a specific finding that such improvements don't conflict with the residential character of the area.

Name: Ed Conlow

Address: 4801 Observatory Road

Daytime Phone: 515 - 537 - 4125

Your Email: econlow@aol.com

Procedural Rules of Des Moines City Council:

Part III. Agenda

Rule 16. Citizen Agenda Requests.

Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meetin.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council.

Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

Rule 28. Manner of Addressing Council.

A person desiring to address the Council shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.

Rule 29. Time Limit on Citizen's Remarks.

Citizens shall be limited to five minutes speaking time per item, unless additional time is granted by the presiding officer. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.

Ed Conlow, board member
Des Moines Neighbors
537-4125

PROPOSED AMENDMENT:

Sec. 82-209. Determination for property not subject to administrative approval.

(a) Applications for site plan approval shall be considered and determined in accordance with the procedures in this section for the following types of improvements:

- (1) Improvements to property in the NPC neighborhood pedestrian commercial district.
- (2) Improvements which include an extension of parking into an adjoining residential district under the authority of section 134-1377(f)(8).
- (3) Improvements to property used as a vehicle display lot.
- (4) Improvements to property used for multiple family, boardinghouse or roominghouse use.
- (5) Improvements to property in the D-R downtown riverfront district or C-3B central business mixed use district.
- (6) **Improvements to property that includes gas stations designed to permit more than six vehicles to be fueled at one time, if the improved property is within 250 feet of any "R" district or adjacent to any scenic corridor. The Plan and Zoning Commission can approve this type of improvement only upon a finding that the proposed improvement will not adversely impact, and that the design and aesthetics of the project are in character with, the residential district(s) that fall within 250 feet of the scenic corridor.**

(b) The plan and zoning commission shall review and approve, approve subject to modifications, or reject the proposed site plan within 45 days of the date of receipt of the completed site plan application.

(c) Failure by the commission to act within the time specified in subsection (b) of this section shall be deemed to be a grant of approval of the site plan as submitted, provided that the plan as submitted does not conflict with any existing ordinance, statute, rule or law affecting the subject property and provided, further,

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that if additional information is required by the planning director pursuant to subsection 82-212(17) of this article, the time period specified shall not commence until such information has been filed with the community development department.

(d) If the site plan is approved subject to specific conditions, the applicant shall be required to revise the plan in accordance with those conditions and resubmit the plan for review by the planning director for conformance with such conditions. The planning director shall act on all resubmitted plans within five business days of their receipt.

(e) If the site plan is approved, the applicant shall submit a copy thereof on a reproducible medium to the planning director, and the director shall cause his or her written verification of approval to be affixed on such copy along with the date of approval.

(f) The planning department shall retain the duly certified copy in the department's permanent files and shall transmit without charge four copies of plan to the applicant, provided that additional copies shall be provided upon request at cost. The applicant shall be responsible for the securing and submittal of duly certified copies of the approved site plan as required to secure building and other permits in accordance with this Code or state law.