

Date..... October 8, 2007

WHEREAS, on September 22, 2007, by Roll Call No. 07-1838, it was duly resolved by the City Council that the application of Wayne Larson to rezone certain property he is leasing from J. S. Baker Properties, L.L.C., and located in the vicinity of 2800 E. University Avenue, more fully described below, be set down for hearing on October 8, 2007, 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 September 27, 2007, 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 following described property:

(Except an irregular piece beginning at the SW corner of Lot 9; thence East 29 feet; thence Northwesterly to a point 27 Feet North of the SW corner of Lot 11; thence South to the Point of Beginning) Lots 9, 10, 11 and 12, in Block 9, Fairview, 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 "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District, to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. The following uses of structures and land shall be prohibited upon the Property:
 - 1) Adult entertainment businesses;
 - 2) Tavern and/or nightclub;
 - 3) Off-premises advertising; and,
 - 4) Sales and display of vehicles larger than scooters, mopeds, motorcycles, or ATVs.

(continued)

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- B. The north 50 feet of the Property shall not be used for any use except open space in conjunction with adjoining commercial use or a single-family dwelling.
- C. Any outdoor display of scooter, mopeds, motorcycles, ATVs and similar small vehicles permitted upon the Property shall be in conformance with a Site Plan approved under the adopted procedures and design guidelines for a vehicle display lot.

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 "C-2" General Retail and Highway Oriented 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 _____ 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				
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

Item **2007 00131**

Date **8/28/07**

I (am) (am not) in favor of the request.

(Circle One)



Print Name **GAILLEN PALMER**

Signature *Gailen Palmer*

Address **1220 E. 28th Ave 50317**

Reason for opposing or approving this request may be listed below:

We approve only if it isn't a hang-out for all the noisy motorcycles with no mufflers on them. Have seen them come & go and it's too bad we can't have some enforcement on them. As far as having them on the lot, no problem as can develop con. Mr & Mrs Palmer

Item **2007 00131**

Date **8-27-07**

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

AUG 28 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name **Melvin Beeson**

Signature *Melvin Beeson*

Address **1221 E 27th**

Reason for opposing or approving this request may be listed below:

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