

★ Roll Call Number

09-491

Agenda Item Number

37A

Date March 23, 2009

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held January 15, 2009, the members voted 7 – 3 in support of a motion to recommend DENIAL of a request from Ronald Brenizer, Jr. to find the proposed rezoning of 4506 SW 9th Street from C1-A to Limited C-2 in conformance with the 2020 Community Character Land Use Plan future land use designation of Commercial Auto-Oriented Small-Scale Strip Development; and

WHEREAS, after meeting with staff regarding compliance with Site Plan and other zoning regulations and ordinances, applicant has agreed to the following conditions upon the rezoning which are in character with and conform to the current Des Moines 2020 Community Character Land Use Description set forth above:

- A. Prohibit the use of the property for adult entertainment business, automobile establishments for display, hire, rental or sales, package goods liquor stores, pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, off-premises advertising signs, and taverns and night clubs.
- B. Conformance with current Site Plan requirements, including landscaping standards and paving of all off-street parking; the property shall be brought into conformance with an approved Site Plan to the extent it does not eliminate minimum required parking and maneuvering.
- C. Enclose and gate all outdoor trash receptacles with an enclosure built of block, stone, masonry or other material compatible with the primary building, and with 100% opaque metal gates.
- D. Prohibit storage of materials or equipment outside of a building.
- E. That the City Council will initiate rezoning a C-1 district classification in the event the property is not brought into compliance with current Site Plan regulations and all other zoning conditions on or before October 31, 2009.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that the proposed rezoning at 4506 SW 9th Street from C1-A to Limited C-2 is in conformance with the Des Moines 2020 Community Character Land Use Plan.

Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M.

APPROVED AS TO FORM:

[Signature]

Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
VLASSIS	✓			
TOTAL	5			2

APPROVED

[Signature]
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.

[Signature]

City Clerk