



Roll Call Number

09-1640

Agenda Item Number

23-I

Date September 14, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 3, 2009, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Casey's Marketing Company (purchaser), represented by Melani Sanora (officer), to rezone property located in the southern portion of 6120 Douglas Avenue from the "R1-60" One-Family Low Density Residential District to the "C-2" General Retail and Highway Oriented Commercial District, subject to the following conditions:

1. The following uses of land and structures shall be prohibited upon the property:
 - a. Adult entertainment business.
 - b. Vehicle display.
 - c. Off-premises advertising signs.
 - d. Package goods stores for sale of liquor.
 - e. Taverns/nightclubs.
 - f. Pawn shops.
 - g. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
 - h. Communication towers.
2. Any commercial building along with any associated gas canopy supports, and utility/trash enclosures shall be required to be constructed primarily of brick, masonry block or stone on all exterior walls.

The subject property is more specifically described as follows:

All Lot 87 and the North 19 feet of Lot 88, Clover Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, in Polk County, Iowa.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on September 28, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(continued)

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MOVED by Vlassis to adopt.

FORM APPROVED:

Roger K Brown
Roger Brown
Assistant City Attorney

(ZON2009-00131)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh City Clerk