

★ Roll Call Number

09-1801

Agenda Item Number

58

Date September 28, 2009

WHEREAS, on September 14, 2009, by Roll Call No. 09-1640, it was duly resolved by the City Council that the application of Casey's Marketing Company to rezone property located in the vicinity of 6120 Douglas Avenue, more fully described below, be set down for hearing on September 28, 2009, 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 17, 2009, 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:

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.

from the R1-60 One-Family Low-Density Residential District to a 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:

1. Prohibit use of the property for the following:
  - 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.

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WHEREAS , on September 3, 2009 the Plan and Zoning Commission recommended by a vote of 10-0 that the Des Moines 2020 Community Character Plan future land use designation for the property be amended from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

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 C-2 General Retail and Highway Oriented Commercial District are hereby overruled, and the hearing is closed.

2. The Des Moines 2020 Community Character Land future land use designation for the property described above is hereby amended from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

MOVED by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (7).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk