



Roll Call Number

09-2269

December 21, 2009

Agenda Item Number

15

Date.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 17, 2009, its members voted 7-3 in support of a motion to recommend **APPROVAL** of a request from Rich Eychaner (owner) to rezone property located at 3814 57th Street from "R1-60" One Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District subject to the following:

1. No buildings or parking (except drive entrances) shall be constructed within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining the subject property.
2. Prohibiting the uses of:
 - a. Adult entertainment business,
 - b. Vehicle display,
 - c. Off-premises advertising signs,
 - d. Package goods stores for sale of liquor,
 - e. Pawn brokerages,
 - f. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity; and
 - g. Communication Towers.
3. Any redevelopment of the site shall be subject to Site plan review by the Plan and Zoning Commission.

WHEREAS, at such time and place the members further voted 9-1 in support of a motion to recommend **APPROVAL** of a request from Rich Eychaner (owner) to rezone property at 3822 57th Street and 3826 57th Street from "R1-60" One Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District subject to the following:

1. No buildings or parking (except drive entrances) shall be constructed within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining the subject property.
2. The only use of the property shall be a parking lot and access driveway to 57th Street.

(continued)

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The subject property is more specifically described as follows:

The East 130 feet of Lots 31, 32, 33, 36, 37, and the North 10 feet of the East 130 feet Lot 34, Block P, Aviation Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

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 January 11, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.

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.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

(ZON2009-00217)

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

MOTION CARRIED APPROVED
T. M. Franklin
Mayor

Diane Fauh City Clerk