



Roll Call Number

10-055

January 11, 2010

Agenda Item Number

35B



Date

RESOLUTION APPROVING REZONING OF 3814, 3822 and 3826 57th STREET TO A LIMITED "C-2" DISTRICT

WHEREAS, on December 21, 2009, by Roll Call No. 09-2269, it was duly resolved by the City Council that the application of Rich Eychaner, to rezone certain property he owns in the vicinity of 3814, 3822 and 3826 57th Street, more fully described below, be set down for hearing on January 11, 2010, 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 December 30, 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:

The East 130 feet of Lots 36 and 37, Block P, Aviation Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as "3814 57th Street"); AND,

The East 130 feet of Lots 31, 32 and 33, 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 (hereinafter referred to as "3822-3826 57th Street").

from the "R1-60" One-Family Low-Density Residential 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:

1. The property at 3814 57th Street shall be subject to the following conditions:
 - A. No buildings or parking (except drive entrances) shall be constructed or maintained within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining 3814 57th Street.
 - B. The following uses of structures and land shall be prohibited on 3814 57th Street:
 - (1) Adult entertainment business;
 - (2) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales;

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- (3) Off-premises advertising signs;
 - (4) Package goods stores for the sale of alcoholic beverages;
 - (5) Pawn businesses;
 - (6) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity; and
 - (7) Communication Towers.
- C. Any redevelopment of 3814 57th Street shall be subject to Site plan review by the Plan and Zoning Commission.
2. The property at 3822-3826 57th Street shall be subject to the following conditions:
- A. No buildings or parking (except drive entrances) shall be constructed or maintained within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining 3822-3826 57th Street.
 - B. The following uses of structures and land shall be prohibited on 3814 57th Street:
 - (1) Adult entertainment business;
 - (2) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales;
 - (3) Off-premises advertising signs;
 - (4) Package goods stores for the sale of alcoholic beverages;
 - (5) Pawn businesses;
 - (6) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity;
 - (7) Communication Towers; and,
 - (8) General motor vehicle repair.
 - C. Any redevelopment of 3822-3826 57th Street shall be subject to Site plan review by the Plan and Zoning Commission.

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.

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2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Ariess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. The Developer will work with the neighbors regarding stop sign, speed bumps and other buffering ideas.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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 Rauh
 City Clerk