

★ Roll Call Number

10-969

Agenda Item Number

71B

Date June 14, 2010

WHEREAS, on May 24, 2010 by Roll Call No. 10-811, it was duly resolved by the City Council that the application of Tim C. Ford to rezone property located in the vicinity of 2217 Beaver Avenue, more fully described below, be set down for hearing on June 14, 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 June 4, 2010, 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:

Except street, Lots 15 through 18 of Beaver Heights No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the C-0 Commercial-Residential District and R1-60 One-Family Low-Density Residential District to Limited C-1 Neighborhood Retail 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 are binding upon the owners and their successors, heirs and assigns as follows:

- (1) Compliance with all applicable Site Plan regulations including provision of all required landscaping and screening with a 6 foot minimum height, high quality and durable fence as part of necessary buffer yards along the south and east property lines. The fence must be approved by the Community Development Director after consultation with the Beaverdale Neighborhood Association and construction of the fence shall be completed no later than 24 months of the date of the effectiveness of this ordinance.
- (2) Any additional signage on the premises may only be Type A signs (indirectly illuminated only).
- (3) Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
- (4) Prohibit the use of the property for the following uses:
 - (a) Financial service establishment that involve lending based primarily on collateral of future payroll and/or repayment by post-dated check;

(continued)

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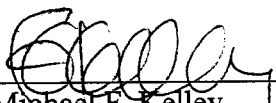
-2-

- (b) Pawn brokerages;
- (c) Bakeries;
- (d) Restaurants;
- (e) Delicatessens;
- (f) Gas stations;
- (g) Grocery stores;
- (h) Launderettes and coin-operated dry cleaning establishments, and drying cleaning and pressing establishments;
- (i) Locker plants;
- (j) Automotive accessory and parts stores;
- (k) Upholstery shops;
- (l) Package goods stores for the sale of alcoholic beverages; and,
- (m) Clothes cleaning and laundry pickup stations.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows: 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-1 Neighborhood Retail Commercial District are hereby overruled, the hearing is closed, and the application for rezoning is APPROVED.

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

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

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.

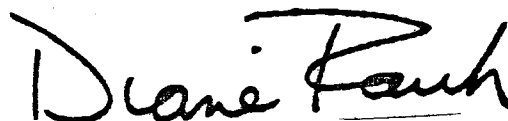
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED


 T. M. Franklin
 Mayor


 Diane Rauh

City Clerk