

Date November 8, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 21, 2010, its members voted in support of a motion to recommend **APPROVAL** of a City Council initiated request for Zoning Text Amendments including amendments to Municipal Code Chapters 134, 82 and 30, regulating pawnbrokers and delayed deposit service businesses; and

WHEREAS, on October 25, 2010 by Roll Call No. 10-1730, it was duly resolved by the City Council that the proposed Zoning Text and other amendments to the Municipal Code be set down for hearing in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 8, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 28, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, the proliferation of delayed deposit services businesses (commonly known as "payday lenders") and pawnbrokers suggests that a commercial corridor and the adjoining neighborhoods are in economic and social decline, negatively impacting reinvestment, economic development efforts and property values along the corridor and the adjoining neighborhoods; and,

WHEREAS, these businesses do not create foot traffic for adjacent businesses and a proliferation of such businesses at particular locations can overwhelm a neighborhood and can be a disincentive for the location of other neighborhood businesses in close proximity; and,

WHEREAS, it is reasonable and appropriate to regulate the placement and location of delayed deposit services businesses and pawnbrokers so as to avoid the clustering of such businesses, to protect the surrounding neighborhoods from distress and the appearance of commercial districts in decline, and to avoid the adverse effects upon the overall business atmosphere of the City which are likely to result from an over-concentration of such businesses within the commercial corridors; and,

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WHEREAS, the Legal Department has prepared Text Amendments including amendments to the Municipal Code Chapters 134, 82 and 30, regulating pawnbrokers and delayed deposit service businesses; and

WHEREAS, in accordance with the notice those interested in the 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.

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

1. The City Council hereby adopts the statements set forth above in the Preamble as findings of fact.
2. That upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed Text Amendments, including amendments to the Municipal Code Chapters 134, 82 and 30 are hereby overruled, the hearing is closed and the Text Amendments are hereby APPROVED.

MOVED by Meyer to adopt and approve the text amendments to the Municipal Code, subject to final passage of the ordinance.

(Council Communication No. 10-681)

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley, Assistant City Attorney

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.

T. M. Franklin
T. M. Franklin, Mayor

Diane Rauh
Diane Rauh, City Clerk