



Roll Call Number

13-1032

Agenda Item Number

52B

Date June 24, 2013

WHEREAS, on June 10, 2013 by Roll Call No. 13-0896, it was duly resolved by the City Council that the application of Rich Eychaner to rezone certain property located in the vicinity of 3629 59<sup>th</sup> Street from the R-3 Multiple Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification, more fully described below, be set down for hearing on June 24, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 13, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; 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; 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 North 83 feet of the West 109.78 feet, Lot 40, Clover Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R-3 Multiple Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- 1) The following uses of the land and structures shall not be permitted upon the Property:
  - a. Adult entertainment business.
  - b. Delayed deposit services businesses.
  - c. General motor vehicle repair.
  - d. Liquor stores.
  - e. Off premises advertising signs.
  - f. Pawnbroker.
  - g. Taverns and nightclubs.
  - h. Vehicle display lot.



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- 2) No building shall be constructed on the southern 25 feet of the subject property so long as the adjoining property to the south is within an "R" District.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from the R-3 Multiple Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited C-2 District classification is hereby APPROVED.

Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

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	5			2

MOTION CARRIED

APPROVED

T. M. Franklin  
 Mayor

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.

Diane Rauh  
 City Clerk