



Roll Call Number

14-0091

Agenda Item Number

56

Date January 13, 2014

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING A USE VARIANCE TO ALLOW PROPERTY AT 6220 GRAND AVENUE TO BE USED AS AN AMUSEMENT ENTERTAINMENT ENTERPRISE BUSINESS

WHEREAS, on December 18, 2013, the Zoning Board of Adjustment voted 6-0 to approve an application from Oreo Junction, LLC, for a use variance to allow property at 6220 Grand Avenue, including a portion thereof within the "F-W" Floodway District, to be used as an amusement entertainment enterprise business that would include a go-kart track, a "kiddie" go-cart track, a miniature golf area, baseball/softball batting practice cages and a zip line structure, and the reuse of an existing office/concession stand structure and storage sheds; and,

WHEREAS, Iowa Code §414.7 and Section 134-65(d) of the Zoning Ordinance require that any use variance granted by the Board be forwarded to the City Council for its review, and the City Council may remand the use variance back to the Zoning Board of Adjustment for further study if the Council believes the use variance was improperly granted.

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

ALTERNATIVE RESOLUTIONS

- A The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
B The City Council takes no action to review the Decision and Order. The decision of the Board will become final on January 19, 2014.
C The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

(Council Communication No. 14-016)

MOVED by Hensley to receive and file the staff report and comments received, and to adopt alternative C, above.



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FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

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