

★ Roll Call Number

Agenda Item Number

55B

Date..... April 24, 2006

WHEREAS, on April 10, 2006, by Roll Call No. 06-629, it was duly resolved by the City Council that the application of BKM Renovators, L.C., represented by Randal Meiners, Manager, to rezone certain property it owns in the vicinity of 3725 E. University Avenue, more fully described below, be set down for hearing on April 24, 2006, at 5:00 P.M., in the Council Chamber of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 12, 2006, 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:

Lot 5, Fairground Estates, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "C-1" Neighborhood Retail Commercial District and 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:

The following uses of land and structures shall not be permitted upon the Property:

- 1) Adult entertainment businesses;
- 2) Package goods store for the sale of alcoholic beverages;
- 3) Taverns and night clubs;
- 4) Off-premises advertising signs;
- 5) Vehicle display lot, including but not limited to used car sales lot;
- 6) Pawn shop; and,
- 7) Check cashing and title loan business.

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

( continued )

55B

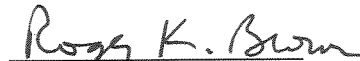
Date April 24, 2006

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.

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

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

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

**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

\_\_\_\_\_  
 Mayor

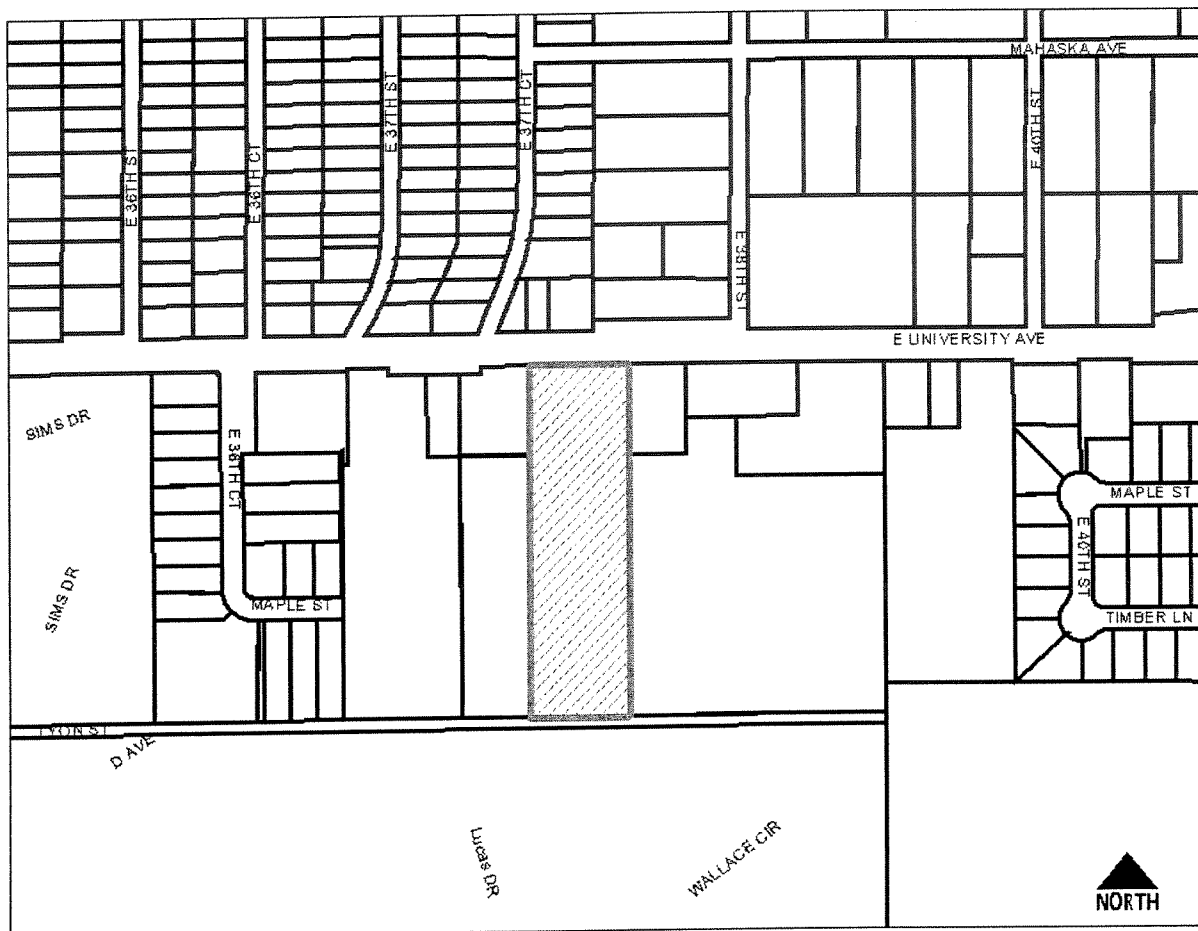
\_\_\_\_\_  
 City Clerk

55B

Request from BKM Renovators, L.C. (owner) represented by Randall Meiners (officer) to rezone property located at 3725 East University Avenue.		File # ZON2006-00017		
Description of Action	Rezone property from "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District to allow for development of the site for miniwarehousing.			
2020 Community Character Plan	Low-Density Residential & Commercial: Auto-Oriented Small-Scale Strip Development			
Horizon 2025 Transportation Plan	East University Avenue from E 33 <sup>rd</sup> Street to East City Limits widen from 4 lane undivided to 5 lane undivided			
Current Zoning District	"C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District			
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	1	0	<20%
Plan and Zoning Commission Action	Approval	11-2	Required 6/7 Vote of the City Council	Yes
	Denial			No

BKM Renovators, LC - 3725/3729 E University Avenue

ZON2006-00017



Item ZON 2006-00017

Date 3-13-06 55B

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 15 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Earl W & Marla K. Paul

Signature Marla K. Paul

Address 3701 E UNIVERSITY AVE

Reason for opposing or approving this request may be listed below:

*Since there are already commercial businesses adjoining this land it makes sense to change to C-2-  
We sincerely hope this gets approved*  
*Earl Paul*

Item ZON 2006-00017

Date \_\_\_\_\_

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 10 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Randy Meiners

Signature Randal Meiner

Address 3725 E. University Ave

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**SUBJECT PROPERTY**  
\_\_\_\_\_  
\_\_\_\_\_

55B

Item 2002006-00017

Date 3-6-06

I ( am ) (am not) in favor of the request.  
(Circle One)

RECEIVED

MAR 14 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Beverly Carl

Signature Beverly Carl

Address 1208 E. 38<sup>th</sup> St.

Reason for opposing or approving this request may be listed below:

I think one mini-storage/warehousing is enough in our  
area. I'd like to see a department-like store or specialized store  
such as a religious goods or medical supplies, etc., as the  
whole neighborhood could benefit.