

★ **Roll Call Number**

Agenda Item Number

45

Date May 24, 2010

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 3401 University Avenue from the R-3 Multiple Family Residential to Limited C-1 Neighborhood Retail Commercial District classification",

which was considered and voted upon for the first time under Roll Call No. 10-653 of April 26, 2010, and considered and voted upon for the second time under Roll Call No. 10-733 of May 10, 2010, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

_____ City Clerk

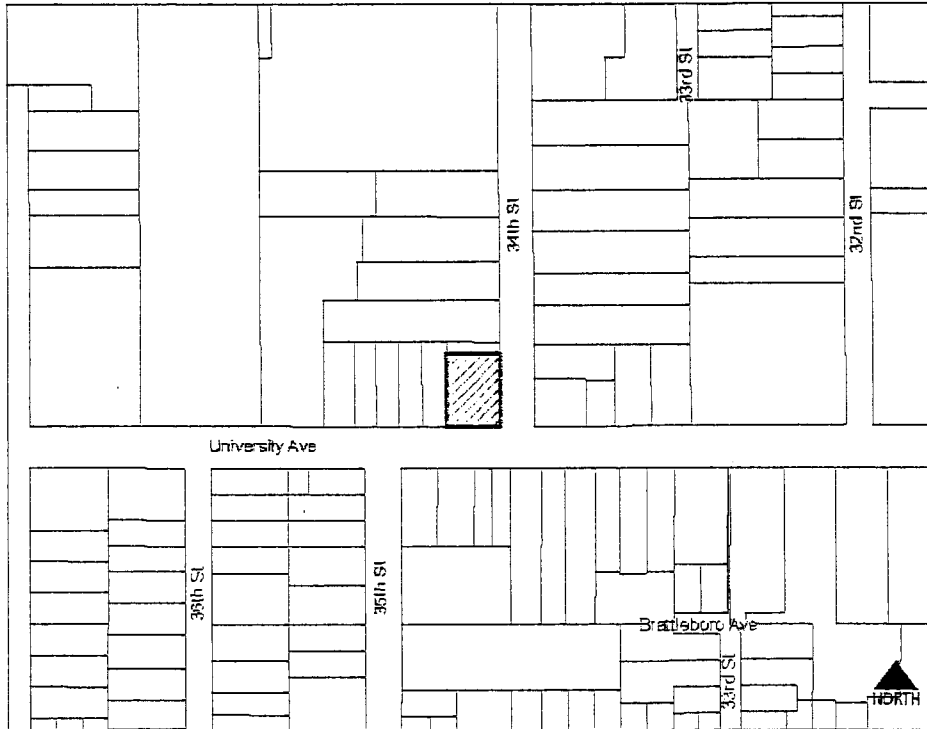
10-733 10-653590

42
45

Request from M Investments, LLC (owner) represented by Mark Graziano (agent) to rezone property located at 3401 University Avenue.		File # ZON2010-00032		
Description of Action	Rezone property from "R-3" Multiple Family Residential District to "C-1" Neighborhood Retail Commercial District to allow adaptive reuse of the former gas station for a dry cleaners business.			
2020 Community Character Plan	Low-Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R-3" Multiple Family Residential District			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	2		
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

M Investments LLC - 3401 University Avenue

ZON2010-00032



10-683
10-733 59C
4245

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 3401 University Avenue from the R-3 Multiple Family Residential to Limited C-1 Neighborhood Retail Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 3401 University Avenue, more fully described as follows, from the R-3 Multiple Family Residential to Limited C-1 Neighborhood Retail Commercial District classification:

East 100 feet of the South 140 feet Lot 13, Chetwynd, AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. Prohibit the following uses of the property:
 - a. automotive and motorcycle accessory and parts stores,
 - b. theatres,
 - c. upholstery shops,
 - d. package goods stores for the sale of alcoholic beverages,
 - e. pawn shops, and
 - f. financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.

2. Compliance with all Des Moines' Landscape Standards for bufferyards, perimeter lot, and open space.
3. Removal of the two existing drive approaches closest to the intersection of 34th Street and University Avenue, with restoration of the right-of-way to a curbed condition.
4. Removal of the existing freestanding pylon sign structure.
5. Removal of the existing gas fueling island canopy.
6. Any freestanding sign installed shall be a monument type sign.
7. Any exterior building modifications shall be reviewed by the Community Development Director as part of the required Site Plan to ensure compatibility with the surrounding neighborhood.
8. Any trash screening enclosure on site shall conform the standards of the Zoning Ordinance comprised of durable materials that compliment the principal dwelling with metal gates or doors.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney