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Date June 9, 2008.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 1, 2008, its members voted 9-0 in support of a motion to recommend APPROVAL of a request from BKM Renovators, L.C. (owner) represented by Randal Meiners (officer) to rezone property located at 1700 East University Avenue from "C-1" Neighborhood Retail Commercial District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow the property to be used for automobile repair, subject to the owner of the property agreeing to the following conditions:

1. Permitted uses of the property shall be limited to the following:
 - a. Garage for general motor vehicle repair, but not including body and fender work and overall painting and steam cleaning, but including upholstery, scratch and dent repair, and minor painting within a completely enclosed building.
 - b. Uses as permitted in the "C-1" Neighborhood Retail Commercial District, except for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Reuse of the property shall be subject to administrative review and approval of a site plan by the Permit and Development Center that demonstrates compliance with the East University Avenue Design Guidelines and the City's stormwater management, landscaping and buffering requirements.
3. Any renovation of the structure shall comply with all applicable building codes and shall be in accordance with all necessary permits issued by the Permit and Development Center.
4. A minimum 5-foot wide landscape buffer shall be provided along the east site boundary.
5. All landscaping shall be continuously maintained or replaced in accordance with the approved site plan for the life of the certificate of occupancy.
6. Any off-street parking area shall be accessed by a curb cut and drive approach that aligns with the east/west drive aisle within the parking lot.
7. Any overhead garage doors shall be located on the north façade of the structure and accessed through the off-street parking area.
8. The asphalt paving shall be removed from the front yard areas to the south and to the west of the structure and the area shall be restored with sod and other landscaping materials.
9. Display of vehicles for sale shall be prohibited.
10. Outdoor repair and servicing of vehicles shall be prohibited.



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- 11. Outdoor display of automobile accessories and storage of materials or equipment such as barrels, tires and tools is prohibited.
- 12. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
- 13. Parking of all vehicles associated with the business such as wrecking trucks shall be outside of the required 25-foot front yard building setback.
- 14. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.

The subject property is more specifically described as follows:

Lots 181, 182, 183, Witmers, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

WHEREAS, on May 19, 2008 by Roll Call No. 08-870, the City Council of the City of Des Moines resolved that the application for rezoning as described above be set down for hearing on June 9, 2008 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on May 29, 2008 as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, pursuant to the notice, those interested in the proposed rezoning, both for and against, have been given the opportunity to be heard with respect thereto at the hearing; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the above-described property from "C-1" Neighborhood Retail Commercial District to Limited "C-2" General Retail and Highway Oriented Commercial District, subject to the following conditions which are agreed to and accepted in writing by all owners of the property which are binding upon the owners and their successors, heirs and assigns as follows:

- 1. Permitted uses of the property shall be limited to the following:
 - a. Garage for general motor vehicle repair, but not including body and fender work and overall painting and steam cleaning, but including upholstery, scratch and dent repair, and minor painting within a completely enclosed building.

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- b. Uses as permitted in the "C-1" Neighborhood Retail Commercial District, except for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Reuse of the property shall be subject to administrative review and approval of a site plan by the Permit and Development Center that demonstrates compliance with the East University Avenue Design Guidelines and the City's stormwater management, landscaping and buffering requirements.
3. Any renovation of the structure shall comply with all applicable building codes and shall be in accordance with all necessary permits issued by the Permit and Development Center.
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8. The asphalt paving shall be removed from the front yard areas to the south and to the west of the structure and the area shall be restored with sod and other landscaping materials.
9. Display of vehicles for sale shall be prohibited.
10. Outdoor repair and servicing of vehicles shall be prohibited.
11. Outdoor display of automobile accessories and storage of materials or equipment such as barrels, tires and tools is prohibited.
12. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
13. Parking of all vehicles associated with the business such as wrecking trucks shall be outside of the required 25-foot front yard building setback.
14. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that:

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property to Limited M-1 Light Industrial District are hereby overruled and the hearing is closed.

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2. The proposed rezoning complies 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

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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