

★ **Roll Call Number**

**Agenda Item Number**

71 C

**Date** June 9, 2008

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 1700 East University Avenue from "C-1" Neighborhood Retail Commercial District to Limited "C-2" General Retail and Highway Oriented Commercial District",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

**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

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 1700 East University Avenue from “C-1” Neighborhood Retail Commercial District to Limited “C-2” General Retail and Highway Oriented Commercial District.

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 1700 East University Avenue, more fully described as follows, from “C-1” Neighborhood Retail Commercial District to Limited “C-2” General Retail and Highway Oriented Commercial District:

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

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