

★ Roll Call Number

Agenda Item Number

40

Date..... October 25, 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 2713 Martin Luther King Jr. Parkway from the Limited C-2 General Retail and Highway Oriented Commercial and M-3 Limited Industrial to Limited C-2 General Retail and Highway Oriented District classification",

which was considered and voted upon under Roll Call No. 10- 1689 of October 11, 2010; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

10-1689  
4/2A

ORDINANCE NO. \_\_\_\_\_

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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 2713 Martin Luther King Jr. Parkway from the Limited C-2 General Retail and Highway Oriented Commercial and M-3 Limited Industrial to Limited C-2 General Retail and Highway Oriented 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 2713 Martin Luther King Jr. Parkway, more fully described as follows, from the Limited C-2 General Retail and Highway Oriented Commercial and M-3 Limited Industrial to Limited C-2 General Retail and Highway Oriented District classification:

(Conditional "C-2" to [a new] Conditional "C-2")  
(Except the West 7 feet) the West 107 feet of Lot 3, Lambert Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.  
("M-3" to Conditional "C-2")  
(Except the West 107 feet) Lot 3, Lambert Place, an Official Plat, 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:

- A. Prohibit the use of the property for adult entertainment businesses, package goods liquor stores, pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, off-premises advertising signs, taverns and night clubs.

- B. Any change of use, alteration, or improvement to the existing buildings or use of the property (including legitimizing current non-conforming uses) shall cause the entire site to have to come into conformance with all applicable building codes with issuance of a Certificate of Occupancy.
- C. Any change of use, alteration, or improvement to the existing buildings or use of the property (including legitimizing current non-conforming uses) shall cause the entire site to conform with a Site Plan in accordance with all current site plan requirements.
- D. Any use of the property for a vehicle display lot shall cause the entire vehicle display lot to conform with a Site Plan reviewed by the Plan and Zoning Commission under the design guidelines for vehicle display lots.
- E. Removal of the existing off-premises advertising sign (billboard) based upon the terms of the lease.
- F. A copy of the current billboard lease must be supplied to Zoning Enforcement staff upon approval of rezoning.
- G. Stormwater management for any Site Plan shall be designed to meet current standards applicable to site areas over an acre. (Including water quantity and water quality).

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

10-1689

42A

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Request from Kathy Harrison (owner) to rezone property located at 2713 Martin Luther King, Jr. Parkway.		File # ZON2010-00160			
<b>Description of Action</b>	Rezone property from "M-3" Limited Industrial District to "C-2" General Retail and Highway Oriented Commercial District, to allow vehicle repair and vehicle sales and display businesses.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development				
<b>Horizon 2035 Transportation Plan</b>	M.L.King Jr Parkway from Euclid Avenue to 19 <sup>th</sup> Street to widen from 4 lane undivided to 4 lane divided				
<b>Current Zoning District</b>	"M-3" Limited Industrial District				
<b>Proposed Zoning District</b>	Limited "C-2" General Retail and Highway-Oriented Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	1			
Outside Area		2			
<b>Plan and Zoning Commission Action</b>	Approval	6-3	<b>Required 6/7 Vote of the City Council</b>	Yes	X
	Denial			No	

Kathy Harrison - 2713 M.L.King Jr Parkway

ZON2010-00160

