

★ Roll Call Number
08-787

Agenda Item Number
19

Date May 5, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 17, 2008, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from O. Glen Kemp (owner) to rezone property located at 3749 & 3801 East University Avenue from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to a limited "C-2" General Retail and Highway Oriented Commercial District, to allow for redevelopment of the property for mini-warehouse use, subject to the applicant agreeing to the following conditions:

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

- A) Adult entertainment businesses;
- B) Package goods store for the sale of alcoholic beverages;
- C) Taverns and night clubs;
- D) Off-premises advertising signs;
- E) Vehicle display lots, including but not limited to used car sales lot;
- F) Pawn brokerages; and,
- G) Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles

If the property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:

- A) The side of any building fronting East University Avenue shall be of masonry material in earth tone colors. The balance of the building, including overhead doors, shall be of an earth tone color.
- B) No storage units within 300-feet of East University Avenue shall be placed with doors facing East University Avenue.
- C) All lighting shall be shielded so as not to illuminate into adjoining residential properties.
- D) The gate and fencing along East University Avenue shall be of wrought iron or tubular steel construction, painted earth tones or black to complement the buildings, with masonry pillars.
- E) A 25-foot wide setback shall be maintained along the eastern and southern boundaries of the property.
- F) A sidewalk shall be installed and maintained along the East University Avenue in accordance with the East University streetscape plan.
- G) Hours of operation shall be limited to 6:00 am. to 10:00 p.m.

★ Roll Call Number
08-187

Agenda Item Number
19

Date May 5, 2008

The subject property is more specifically described as follows:


Parcel A, Fairground Estates, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as Lots 1, 3 and 4 of said Fairground Estates.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 19, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Vlassis to adopt.

FORM APPROVED:



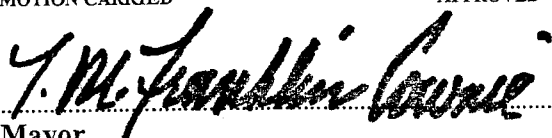
 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY				✓
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

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