

Date May 19, 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.

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 June 9, 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.

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MOVED by Vlassis to adopt.

FORM APPROVED:

[Signature]
Michael F. Kelley
Assistant City Attorney

(ZON2008-00050)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |

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.

[Signature]
Mayor

[Signature]
City Clerk