



Roll Call Number

08872

Agenda Item Number

24

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 6-3 in support of a motion to recommend **APPROVAL** of a request from Kathleen Kirschbaum (owner) to rezone property located at 2713 Martin Luther King Jr. Parkway from Limited "C-2" General Retail and Highway Oriented Commercial District and "M-3" Limited Industrial to Limited "M-1" Light Industrial District subject to the owner of the property agreeing to accept the following conditions:

1. Prohibit the use of the property for adult entertainment business, 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, and any "M-1" District permitted use that is not conducted completely within the confines of a building.
2. Any change of use, alteration, or improvement to the existing buildings or use of the property (including legitimizing current non-conforming uses) shall cause it to come into conformance with all applicable building codes, with issuance of a Certificate of Occupancy, and shall cause it to come into conformance with the Des Moines' Landscape Standards as they are applied to "C-2" Districts in accordance with an approved Site Plan.
3. Any expansion, alteration, or improvement to the existing vehicle display lot use of the property shall cause it to conform to a Site Plan reviewed by the Plan and Zoning Commission under the prevailing design guidelines for vehicle display lots.
4. Conformance to the current C-2 standards for auto lot use on the front portion of the property.
5. Removal of the billboard based upon the terms of the lease.
6. Provision of perimeter striping to indicate where the vehicles can be parked.
7. Provision of a significant barrier on the south such as chains and bollards or other barriers as approved by the Community Development Director that would prevent parking in the grass.

(Continued)

★ Roll Call Number
08-872

Agenda Item Number
24

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The subject property is more specifically described as follows:

(except the West 7 feet) Lot 3, Lambert Place, 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.

MOVED by Vlassis to adopt.

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley
Assistant City Attorney

(ZON2008-00042)

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

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk