



Roll Call Number

08-922

Agenda Item Number

5TB

Date May 19, 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.



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- 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.

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.

WHEREAS, on May 5, 2008 by Roll Call No. 08-787 it was duly resolved by the City Council that the request to rezone the property be set down for hearing on May 19, 2008 at 5:00 p.m. in the City Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on May 8, 2008; and

WHEREAS, in accordance with the notice, those interested in the proposed rezoning, for and against, have been given the opportunity to be heard and have presented their views to the City Council.

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

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the proposed rezoning are hereby overruled and the hearing is closed.
2. That the proposed rezoning is hereby found to conform to the Des Moines 2020 Community Character Land Use Plan, subject to the conditions set forth above.
3. The proposed rezoning for property described above, from C-1 Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to a

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Limited "C-2" General Retail and Highway Oriented Commercial District is hereby approved, subject to the conditions set forth above and as set forth in the attached letter from the Planning Administrator.

MOVED by Meyer to adopt.

FORM APPROVED:

[Signature]
 Michael F. Kelley
 Assistant City Attorney

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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