

Date ..... October 27, 2008 .....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 16, 2008, its members voted 8-4 in support of a motion to recommend **APPROVAL** of a request from R Way's, Inc. Indy Road Auto (lessee) represented by Don Roberts (officer), Stratford Holding, LLC (owner) to rezone property located at 1930 Indianola Avenue from "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District, to allow for reuse of the property for Garage for general motor vehicle repair subject to the owner of the property agreeing to the following conditions:

1. Only permitted uses of the property shall be those uses as permitted in the "C-1" District and garage for general motor vehicle repair as permitted in the "C-2" District.
2. The site, including landscaping, shall be brought into conformance with an approved Site Plan.
3. Striping of the off-street parking in accordance with the approved Site Plan or in accordance with a newly submitted plan for review indicating the current parking pattern.
4. Any inoperable vehicles on the site shall be kept indoors when kept on premises for more than a 24-hour period in an inoperable condition.
5. Hours of operation shall be limited to those allowed in the "C-1" District for any "C-1" District use and between 6:00 AM and 10:00 PM for any garage for general motor vehicle repair.
6. No materials or equipment related shall be stored outside of a building.
7. The trash and waste oil tank enclosure is made of significant construction (concrete block, brick) with steel gates.

The subject property is more specifically described as follows:

(Except Street) –Lots 8 thru 12. East of Line beginning 170.9 feet SW of SE corner lot 8 thence northwesterly 184.7 feet North line lot 12 first plat of Clifton Heights, an Official Plat, 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 November 10, 2008, at which time the City Council will hear both

★ Roll Call Number  
08-1845

Agenda Item Number  
22


Date October 27, 2008

those who oppose and those who favor the proposal.

- 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

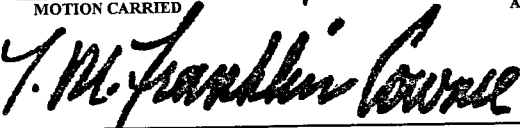
(ZON2008-00145)

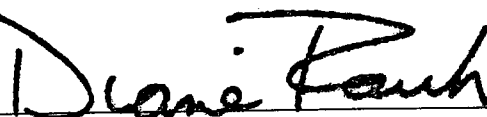
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

**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.

  
 \_\_\_\_\_  
 T. M. Franklin  
 Mayor

  
 \_\_\_\_\_  
 Diane Rauh  
 City Clerk