

Date November 24, 2008

WHEREAS, on October 27, 2008, by Roll Call No. 08-1845, it was duly resolved by the City Council that the application of Stratford Holding, LLC, to rezone property owned by it and located in the vicinity of 1930 Indianola Avenue, more fully described below, be set down for hearing on November 10, 2008, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on October 30, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, on November 10, 2008, by Roll Call No. 08-2006, it was duly resolved by the City Council to open the initial hearing, and to continue the hearing until the meeting of the City Council on November 24, 2008 at 5:00 p.m. in the Council Chambers at City Hall; and

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

(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.

from the C-1 Neighborhood Retail Commercial District to a Limited C-2 General Retail and Highway Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property which is binding upon the owners and their successors, heirs and assigns as follows:

- A. 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.
- B. The site, including landscaping, shall be brought into conformance with an approved Site Plan.
- C. 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.

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- D. 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.
- E. 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.
- F. No materials or equipment related shall be stored outside of a building.
- G. The trash and waste oil tank enclosure is made of significant construction (concrete block, brick) with steel gates.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property to a Limited C-2 District are hereby overruled, and the hearing is closed.

MOVED by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:

Michael F. Kelley

Michael F. Kelley  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

Y. M. Franklin Cownie 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