

★ Roll Call Number

10-507

Agenda Item Number

25

Date April 12, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 1, 2010, its members voted 12-0 to recommend **APPROVAL** of a request from M Investments, LLC (owner) to rezone property located at 3401 University Avenue from "R-3" Multiple Family Residential District to Limited "C-1" Neighborhood Retail Commercial District subject to the owner(s) of the property agreeing to the following:

1. Prohibit the following uses of the property:
 - a. automotive and motorcycle accessory and parts stores,
 - b. theatres,
 - c. upholstery shops,
 - d. package goods stores for the sale of alcoholic beverages,
 - e. pawn shops, and
 - f. financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
2. Compliance with all Des Moines' Landscape Standards for bufferyards, perimeter lot, and open space.
3. Removal of the two existing drive approaches closest to the intersection of 34th Street and University Avenue, with restoration of the right-of-way to a curbed condition.
4. Removal of the existing freestanding pylon sign structure.
5. Removal of the existing gas fueling island canopy.
6. Any freestanding sign installed shall be a monument type sign.
7. Any exterior building modifications shall be reviewed by the Community Development Director as part of the required Site Plan to ensure compatibility with the surrounding neighborhood.
8. Any trash screening enclosure on site shall comply with the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal dwelling with metal gates or doors.

The subject property is more specifically described as follows:

East 100 feet of the South 140 feet Lot 13, Chetwynd, AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

-Continued-



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

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 April 26, 2010, at which time the City Council will hear both 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 Coleman to adopt.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

(ZON2010-00032)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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.

City Clerk