



Roll Call Number

10-652

Agenda Item Number

59B

Date April 26, 2010

WHEREAS, on April 12, 2010, by Roll Call No. 10-507, it was duly resolved by the City Council that the application of Mark Graziano to rezone certain property he owns, and located in the vicinity of 3401 University Avenue, more fully described below, be set down for hearing on April 26, 2010, 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 April 15, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; 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:

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.

from the R-3 Multiple Family Residential to Limited C-1 Neighborhood Retail 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 and is binding upon the owners and their successors, heirs and assigns as follows:

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.

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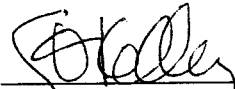
Date April 26, 2010

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 conform the standards of the Zoning Ordinance comprised of durable materials that compliment the principal dwelling with metal gates or doors.

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 Limited C-1 Neighborhood Retail Commercial District classification are hereby overruled, and the hearing is closed.

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

FORM APPROVED:

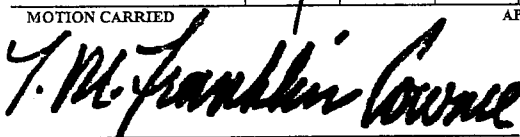

 Michael F. Kelley
 Assistant City Attorney

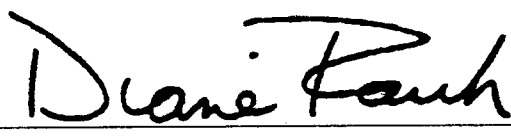
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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

MOTION CARRIED

APPROVED