

Date November 5, 2007

WHEREAS, on September 24, 2007, by Roll Call No. 07-1839, it was duly resolved by the City Council that the application of TD & MD, L.L.C., represented by Tomas Duax, President, to rezone certain property it owns in the vicinity of 1455 - 2nd Place and 218 Clark Street, more fully described below, be set down for hearing on October 8, 2007, 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 September 27, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, on October 8, 2007, by Roll Call No. 07-1979, and on October 22, 2007, by Roll Call No. 07-2059, the City Council granted requests by the applicant to continue the public hearing to November 5, 2007, to allow additional time to consider the conditions recommended by the Plan and Zoning Commission; 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:

Lots 55 and 56, Marshall's Second Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial 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:

- A. Only the following uses of structures or land shall be permitted upon the Property: Wholesale warehousing in accordance with an approved site plan. Outdoor storage shall not be permitted upon the Property.
- B. Landscaping and buffering shall be provided upon the Property in accordance with the City's Landscaping Standards for the "C-2" District.
- C. Vehicular access to the Property shall be limited to access from the adjoining alley.
- D. Any building constructed or placed upon the Property shall be constructed and maintained in conformance with the following design standards:

(continued)

Date November 5, 2007

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- 1) At least 60% of the exterior facade facing 2nd Place and Clark Street, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
 - 2) Not more than 40% of the exterior facade facing 2nd Place and Clark Street shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - 3) The required materials used for the exterior facades facing 2nd Place and Clark Street must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing 2nd Place and Clark Street.
 - 4) No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.
 - 5) All outdoor dumpsters shall be enclosed by a solid opaque screen.
- E. Prior to occupancy of any building upon the Property, the adjoining property fronting on 2nd Avenue shall be improved by:
- 1) The addition and installation of brick wainscoting along the east side of the existing building;
 - 2) The installation of landscaping and buffering in accordance with the City's Landscaping Standards for the "C-2" District; and,
 - 3) The installation of solid opaque screening around all outdoor dumpsters.

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

1. 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 "M-1" Light Industrial District are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

(continued)

★ Roll Call Number

Agenda Item Number

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Date November 5, 2007

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

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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

MOTION CARRIED

APPROVED

.....
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

Item 2007 00130

Date 8/27/2007

32B

I (am) am not) in favor of the request.

(Circle One)

RECEIVED

AUG 31 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name: TOM QUAK
Signature: *Tom Quak*
Address: 1460 2nd Ave

Reason for opposing or approving this request may be listed below:

CCL has clean up this area
and will continue to keep
it clean

APPLICANT & ADJACENT OWNER

Item 2007 00130

Date 9-16-07

I (am) am not) in favor of the request.

(Circle One)

RECEIVED

SEP 05 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name: NALY SYSAVATH
Signature: *Naly Sysavath*
Address: 1411 2nd St - DES MOINES, IA 50312

Reason for opposing or approving this request may be listed below:

Thank you everything is ok.

32B

Case 2007 00130

Date 8-27-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

AUG 29 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name: Tim Lindemoen

Signature: *Tim Lindemoen*

Address: 1440 2ND Ave

Reason for opposing or approving this request may be listed below:

NEITHER NAME OR ADDRESS ON ASSESSORS
RECORDS