

October 10, 2011

Date

WHEREAS, on September 12, 2011 by Roll Call No. 11-1576, it was duly resolved by the City Council that the application of McDonald's Corporation to rezone certain property located in the vicinity of 3002 Forest Avenue, more fully described below, be set down for hearing on September 26, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on September 15, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; 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:

14 Foot Vacated North/South Alley Right-of-Way West and Adjacent Lots 1 through 5, and All Lots 1 through 5 and Lots 20 through 22, Ridgewood, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the Limited C-1 Neighborhood Retail Commercial District to a revised Limited C-1 Neighborhood Retail Commercial District classification, subject to the following conditions which have been accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and which will be binding upon the owners and their successors, heirs and assigns as follows:

- (1) Any Site Plan amendment shall be in substantial conformance with the schematic drawings submitted in June, 2011.
- (2) Any expansion or modification of the building shall incorporate an all brick or stone material exterior.
- (3) The site shall be brought into conformity to the current site design standards which shall include not less than 5 over-story street trees and that the site lighting shall also be brought into current conformity.
- (4) A consideration to have a Drake tie in elements other than awnings that could go on the site rather than the building (i.e. sculpture).


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WHEREAS, on September 26, 2011 by Roll Call No. 11-1668, the City Council continued the public hearing to the October 10, 2011 Council meeting at 5:00 p.m. at the request of the owners of the property.

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 from Limited C-1 Neighborhood Retail Commercial District to a revised Limited C-1 Neighborhood Retail Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning is approved.

MOVED by _____ to adopt and approve the rezoning.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(Council Communication No. 11-635)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk