



Roll Call Number

081249

Agenda Item Number

63B

Date July 14, 2008

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held on May 15, 2008, the members voted 8-3 to recommend APPROVAL of a request from Imperial Properties, Inc. (owner) to rezone property located at 605 East 15th Street, from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow for redevelopment of the property for a drive through restaurant, subject to the owner of the property agreeing to accept the following conditions:

1. Prohibit the use of the property for any packaged goods stores for the sale of alcoholic beverages, lawn mower or small engine repair shops, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Any commercial structures shall be constructed of an architectural design with at least 40% of the façade covered in a durable material such as brick, stone, or masonry block with no use of metal below the roof, and no use of EIFS, or other stucco type material in lower four feet of any exterior building wall.
3. Any commercial site development shall only have direct drive access to Des Moines Street, with no drive connection to the alley until such time as the property to the north may be developed for commercial purposes at which time cross access to the north may be approved. This is also subject to any other restrictions which may require approval by City Traffic and Transportation and Iowa DOT.
4. A six-foot high solid wood fence with masonry pillars shall be used to meet required bufferyard screening from residential property to the east in general compliance with the submitted design schematic.
5. Bufferyard landscaping to the east shall exceed the minimum plantings required by the Des Moines Landscape Standards, but shall maintain an appropriate density as to ensure the survivability of the plant material.



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6. A three-foot high masonry site wall shall be used to meet the parking requirement from Des Moines Street in general compliance with the submitted design schematic.
7. Required trash enclosures shall be constructed of materials compatible with the principal commercial structure and have opaque metal gates.
8. All non-building mounted signs be monument type only;
9. Site plan return to the Commission for review and approval if the submitted site plan is not in substantial compliance with the concept plan presented at the rezoning hearing;
10. Applicant work with staff on the elimination of the fence on Des Moines Street west of the entry drive and along the north property line, west of the dumpsters.

The subject property is more specifically described as follows:

East 43.5 feet Lot 1 and all Lots 2, 3 and 4, Block 47, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on June 9, 2008 by Roll Call No. 08-994 it was duly resolved by the City Council, that the application for rezoning as described above be set down for hearing on June 23, 2008 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, on June 23, 2008, by Roll Call No. 08-1127, the City Council duly resolved to continue the public hearing until July 14, 2008 at 5:00 p.m. in the Council Chambers at City Hall;

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

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the proposed rezoning are hereby overruled and the hearing is closed.

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2. The proposed rezoning for property described above, from R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District is hereby approved, subject to the conditions set forth above and as set forth in the attached letter from the Planning Administrator.

Moved by Meyer to adopt

APPROVED AS TO FORM:

Steady
 Michael F. Kelley
 Assistant City Attorney

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

MOTION CARRIED APPROVED

Y. M. Franklin Course
 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