



Roll Call Number

09-906

Agenda Item Number

68B

Date May 18, 2009

WHEREAS, on May 4, 2009 by Roll Call No. 09-731 the City Council duly resolved that the request from Easter Lakes, Inc. (owner) to rezone property located at 1670 East County Line Road, excluding the southern 140 feet thereof, from R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification to allow for future commercial development shall be heard at 5:00 p.m. on May 18, 2009 in Council Chambers, City Hall, Des Moines, Iowa. The subject property is more specifically described as follows:

Southeast 1/4 Southwest 1/4 (Except West 20 Rods North 50 Rods) & (Except the South 140 feet) Less 9.2A Road  
SEC 35-78-24

WHEREAS, the proposed rezoning is subject to the following conditions:

1. Prohibition of the following uses:
  - a. Adult entertainment businesses.
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - c. Mobile home parks.
  - d. Off-premise advertising signs.
  - e. Package goods stores for the sale of alcoholic beverages.
  - f. Pawnshops.
  - g. Taverns and night clubs.
  - h. Vehicle display, hire, rental and sales.
2. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
3. Provision of a traffic study that provides trip generation estimates for any new development and existing traffic volumes on adjacent streets with a capacity analysis.
4. All commercial development shall comply with the following design standards.
  - a. The exterior of all building facades, excluding windows and doors, that face any public street or private circulation drive must be 100% covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
  - b. No part of any street facing exterior façade shall consist of metal except for accent and trim elements.
  - c. The building materials of the street facing façade(s) must wrap around the sides of the building in either a wainscot application across the entire side



Roll Call Number

09-906

Agenda Item Number

68B

Date May 18, 2009

or extend the entire height of the side façade a distance of at least four feet back from the street façade. The Community Development Director may approve alternate exterior materials that provide an exterior appearance and durability equivalent to the permitted materials.

- d. All outside trash containers must be enclosed with an enclosure that matches the primary building materials of the primary structure and must have steel gates.

WHEREAS, due notice of the hearing was published on April 6, 2009 setting forth the time and place for the proposed rezoning; and

WHEREAS, pursuant to the published notice, those interested in the proposed rezoning have been given the opportunity to be heard and have presented their views to the City Council.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that upon due consideration of the facts and statements of interested persons and arguments of counsel, the objections to the proposed rezoning are hereby overruled, the hearing is closed, and the application to rezone the above-described property to a Limited C-2 General Retail and Highway Oriented Commercial District is hereby APPROVED.

Moved by Meyer to approve and adopt.

APPROVED AS TO FORM:

Michael F. Kelley

Michael F. Kelley  
Assistant City Attorney

\\cdm.gov.org\CDMFS\USERS\CRNoah\MFK\Rezoning\1670 E County Line Rd - closing hearing rc.doc

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

Diane Rauh

City Clerk

7. M. Franklin Cownie

Mayor