

★ Roll Call Number

09-1641

Agenda Item Number

23-II

Date September 14, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 3, 2009, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Northern Warren Fire and Emergency Response (owner), represented by Raymond Phillips (officer), to rezone property located at 6304 SW 7th Street from a Limited "C-2" General Retail and Highway Oriented Commercial District to an amended Limited "C-2" General Retail and Highway Oriented Commercial District, subject to the applicant agreeing to the following conditions:

1. Any commercial use of the property is subject to approval of a site plan under the City's site plan policy and must include the removal of all unnecessary drive approaches with restoration of the curb and turf in the right-of-way.
2. Any commercial use of the property shall be limited to one access drive to Lally Street from the western half of the property.
3. The outdoor display or storage of merchandise and/or junk is prohibited.
4. The following uses of land and structures shall be prohibited upon the property:
 - a. Adult entertainment business.
 - b. Garages for general motor vehicle repair.
 - c. Vehicle display.
 - d. Off-premises advertising signs.
 - e. Package goods stores for sale of liquor.
 - f. Taverns/nightclubs.
 - g. Pawn shops.
 - h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
5. Construction of any commercial building shall be designed with 75% of all non-glazed exterior wall surfaces consisting of materials that are brick, split face concrete masonry units, stone, or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
6. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.

(continued)

★ Roll Call Number
09-1641

Agenda Item Number
23-II

Date September 14, 2009

-2-

7. The existing communications tower must continue compliance with the following conditions as required in the Zoning Board of Adjustment Decision and Order dated June 26, 2002 so long as the tower remains:
 - a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
 - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' evergreens.

The subject property is more specifically described as follows:

Lots 2, 3, 4, 5, 6, 7, 8, and 9, Block 5, Porters Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on September 28, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(continued)

★ Roll Call Number
09-1641

Agenda Item Number
23-II

Date September 14, 2009

-3-

MOVED by Vlassis to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

(ZON2009-00132)

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

MOTION CARRIED APPROVED
T. M. Franklin Cooney
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