

Date September 12, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2011, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Exodus Groups Investments, LLC (owner) represented by Jeret Koenig (officer) to rezone property located at 1825 East Army Post Road from "C-2" General Retail and Highway Oriented Commercial District to a Limited "M-1" District subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a) Uses allowed in the "C-2" District excluding adult entertainment businesses, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity; and
 - b) Warehousing that is completely enclosed in a building or screened from view.
2. Outside display of general merchandise is permitted subject to the following requirements:
 - a) All display areas shall be identified on an approved Site Plan and generally limited to those areas identified on the submitted site sketch.
 - b) Any display area that adjoins a building shall include a minimum 5-foot wide open pedestrian access way from the parking lot to the main door of the building.
 - c) Merchandise displayed directly adjoining a building shall be stacked no greater than 8 feet in height.
 - d) Merchandise displayed in areas that do not adjoin a building shall be limited in size and scope by the material types identified on an approved Site Plan.
3. All outside storage areas and all display areas for automobiles, trailers, motorcycles, boats and/or farm implements shall comply with the following requirements:
 - a) Any such area shall be located outside of the front yard area.
 - b) Any such area shall be screened from view to the satisfaction of the Community Development Director. Slats in chain link fencing shall not be considered an appropriate screening material.
 - c) No items shall be stacked higher than the perimeter screening.

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- d) Any such area shall be designed to allow no part of any stored or displayed product to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the city engineer.
 - e) All display areas, driveways and areas used for temporary storage shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
4. Any development of the property shall comply with the City's Landscaping Standards applicable to the "C-2" District.
 5. Submittal and approval of a Site Plan in accordance with City's Site Plan Regulations by December 31, 2011.
 6. Completion of all site improvements in compliance with the approved Site Plan by June 1, 2012.

The subject properties are more specifically described as follows:

West 1/2 Northwest ¼, and West 1/2 Southwest ¼, Northwest ¼, Northeast ¼, Section 35, Township 78 North, Range 24 West of the 5th P.M., 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 26, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.

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11-1575

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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.

MOVED by Mahaffey to adopt.

FORM APPROVED:

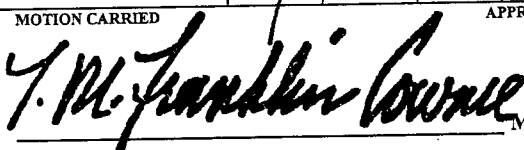

 Michael F. Kelley
 Assistant City Attorney

(ZON2011-00111)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

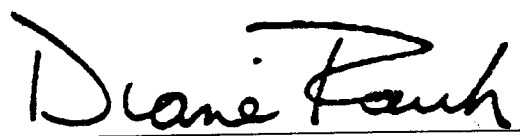
APPROVED


 T. M. Franklin
 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