

★ Roll Call Number

11-1665

Agenda Item Number

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Date September 26, 2011

WHEREAS, on September 12, 2011 by Roll Call No. 11-1575, it was duly resolved by the City Council that the application of Exodus Group Investments, LLC to rezone certain property located in the vicinity of 1825 East Army Post Road, 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, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; 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:

West 1/2 Northwest 1/4, and West 1/2 Southwest 1/4, Northwest 1/4, Northeast 1/4, 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

from the C-2 General Retail and Highway Oriented Commercial District to a Limited M-1 Light Industrial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- (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.

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- (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.
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- (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.
 - 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.

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(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.


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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited M-1 Light Industrial District are hereby overruled, the hearing is closed and the proposed rezoning is hereby APPROVED.

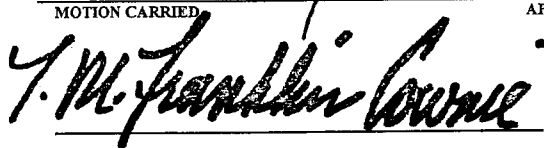
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:


Michael F. Kelley
Assistant City Attorney

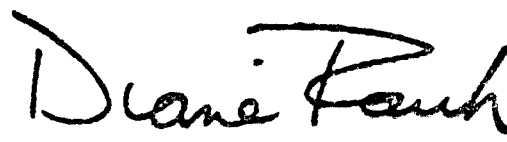
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			


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