

★ Roll Call Number

11-1820

Agenda Item Number

53

October 24, 2011

Date

WHEREAS, on September 12, 2011 by Roll Call No. 11-1576, it was duly resolved by the City Council that the application of McDonald's Corporation to rezone certain property located in the vicinity of 3002 Forest Avenue, 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, on September 26, 2011 by Roll Call No. 11-1668, the City Council continued the public hearing to the October 10, 2011 Council meeting at 5:00 p.m. at the request of the owners of the property; and,

WHEREAS, on October 10, 2011 by Roll Call No. 11-1730, the City Council opened and continued the public hearing to the October 24, 2011 Council meeting at 5:00 p.m. and refer to the City Manager to forward to McDonald's Corporation a revised Acceptance of Rezoning Ordinance reflecting the Planning staff's recommendation to the Plan and Zoning Commission; 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:

14 Foot Vacated North/South Alley Right-of-Way West and Adjacent Lots 1 through 5, and All Lots 1 through 5 and Lots 20 through 22, Ridgewood, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the Limited C-1 Neighborhood Retail Commercial District to a revised Limited C-1 Neighborhood Retail Commercial District classification, subject to the following conditions which have been accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and which will be binding upon the owners and their successors, heirs and assigns as follows:

- (1) Any Site Plan amendment shall be in substantial conformance with the schematic drawings submitted June, 2011.
- (2) The existing building architecture approved in 1999 shall be retained, including but not limited to the red brick exterior material and blue awnings.

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- (3) Any expansion or modification of the building shall incorporate a red brick exterior to match the existing building to the satisfaction of the Community Development Director.
- (4) The site shall be brought into conformance with current site plan and lighting standards.

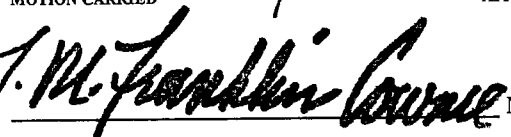
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from Limited C-1 Neighborhood Retail Commercial District to a revised Limited C-1 Neighborhood Retail Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning is APPROVED.

MOVED by Griess to adopt and approve the rezoning.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

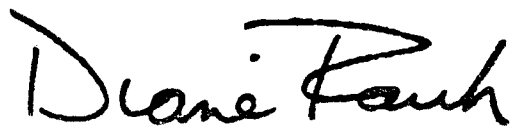
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
  
 T. M. Franklin Council 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