

Date March 12, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2012, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Arnold DeWitt (owner) to rezone property in the vicinity of 1241 East 38th Street 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 expansion of the existing mini-warehouse complex, subject to the following conditions:

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 1. Any use allowed in the R1-60 One-Family Low-Density Residential District.
 2. Mini-warehouse self-storage complex.
- B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 1. Access shall be provided from an internal drive approach from the existing facility to the south and not from East 38th Street.
 2. The side of any building upon the Property facing East 38th Street shall be in earth tone colors.
 3. No storage units within the westernmost building on the site shall be constructed with doors facing East 38th Street.
 4. No storage units within the easternmost building on the site shall have doors facing the east property line.
 5. All exterior lighting fixtures shall be shielded so as not to illuminate into surrounding residentially-zoned properties.
 6. Any signage upon the Property shall comply with the C-1 Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 7. Any fencing along East 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 8. A minimum 25-foot wide setback shall be maintained along the eastern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 9. A minimum 10-foot wide setback shall be maintained along the northern boundary of any development. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 11. No surface water detention shall be released onto any adjoining residential property.
 12. No permit for construction shall be issued until such time that all zoning violations for the existing mini-warehouse use at 3800 East University Avenue have been remedied.

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13. No permit for construction shall be issued until such time that the entire site and the 100-foot wide area adjacent to the north have been graded to the satisfaction of the Engineering staff of the Permit and Development Center in accordance with a grading permit and soil erosion control plan.
14. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
15. The four lots on Mahaska Avenue be 110 feet deep from north to south.
16. If there is a retaining wall between the storage units and the lots on Mahaska Avenue, it should not be more than four feet in elevation.
17. The four parcels on Mahaska Avenue be graded so they are buildable.
18. That all seven pages of the "Staff Report and Recommendation" be part of the record and be included as requirements for the approval of this zoning change.

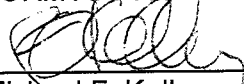
The subject properties are more specifically described as follows:

Except North 100 feet) Lots 100, 101, 102, and 103, Broadacre, 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 March 26, 2012, 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.

FORM APPROVED:

MOVED by Hensley to adopt.


 Michael F. Kelley
 Assistant City Attorney

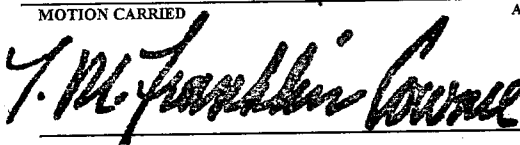
(ZON2011-00110)

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

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.


 Mayor


 City Clerk