

Date October 9, 2006

Alternate Resolution

RESOLUTION CONTINUING HEARING  
ON PROPOSED REZONING OF 219 COLLEGE AVENUE

WHEREAS, on September 25, 2006, by Roll Call No. 06-1871, it was duly resolved by the City Council that the application of Mark Daggy, as an officer of McDonald Letter Service Co., to rezone certain property the company owns in the vicinity of 219 College Avenue, more fully described as follows:

The East 15 feet of Lot 7, Oakdale, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "R-3" Multiple Family Residential District to the "M-1" Light Industrial District classification, be set down for hearing on October 9, 2006, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, the City Plan and Zoning Commission has recommended conditional approval of the proposed rezoning, subject to the owner of the Property agreeing to the imposition of the following conditions:

- A. Landscaping and buffering shall be provided in accordance with the City's Landscaping Standards for development in the "C-2" District upon any redevelopment of the Property for non-residential use.
- B. Any redevelopment of the Property for non-residential use shall comply with all applicable Site Plan requirements.
- C. All necessary permits for shall be obtained for any construction and a Certificate of Occupancy shall be obtained prior to occupancy of any building on the property for non-residential use.
- D. The following uses of structures and land shall be prohibited upon the Property:
  - (1) Adult entertainment business;
  - (2) Asphalt and concrete mixing and products manufacturing;
  - (3) Coalyards, cokeyards or woodyards;
  - (4) Off-premise advertising signs;
  - (5) Package goods stores for the sale of alcoholic beverages;
  - (6) Pawn shops, payroll and title loan institutions;
  - (7) Taverns and nightclubs; and,
  - (8) Vehicle display, hire, rental and sales, including used car sales lots.
- E. Any building upon the Property used for a commercial or industrial use shall comply with the following design standards:
  - (1) At least 60% of the exterior facade facing College Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.

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- (2) Not more than 40% of the exterior façade facing College Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
  - (3) The required materials used for the exterior facades facing College Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing College Avenue.
  - (4) No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.
- F. The foregoing conditions shall apply to the Property and to any adjoining land developed with the Property for a common use.

WHEREAS, the foregoing conditions cannot be imposed upon the Property without the prior written consent of MacDonald Letter Service Co.; and,

WHEREAS, MacDonald Letter Service Co., has declined to agree to the imposition of the foregoing conditions, and requests that the rezoning be approved without special conditions; and,

WHEREAS, the Community Development Director recommends that the proposed rezoning not be approved without the special conditions recommended by the Plan and Zoning Commission; IT IS THEREFORE,

MOVED by \_\_\_\_\_ to continue the public hearing on the proposed rezoning until October 23, 2006, to allow the applicant a further opportunity to agree in writing to the imposition of the special conditions on the rezoning identified above.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown  
Assistant City Attorney

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk