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.....
Date..... October 23, 2006

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 to rezone certain property he owns in the vicinity of 219 College Avenue, more fully described below, be set down for hearing on October 9, 2006, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on September 28, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, on October 9, 2006, by Roll Call No. 06-2018, the City Council continued the hearing on the proposed rezoning until October 23, 2006, at 5:00 p.m.; and,

WHEREAS, in accordance with said notice those interested in said 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:

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 a Limited "M-1" Light Industrial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- 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.

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- 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:
 - i) 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.
 - ii) Not more than 40% of the exterior facade facing College Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - iii) 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.
 - iv) 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.

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, and the hearing is closed.

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

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

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				

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.

MOTION CARRIED

APPROVED

_____ Mayor

_____ City Clerk