

1999 FEB 25 A 9:31

CAROL HOL, RECORDER
DALLAS COUNTY, IOWA

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES,
APPROVING THE SITE PLAN DEVELOPMENT PERMIT (SP ~~98-34~~ PAGES 2)
FOR THE PURPOSE OF CONSTRUCTION OF A 28,787 SQUARE FOOT PLANNED
COMMERCIAL CENTER

10⁰⁰/1⁰⁰

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, KC Holdings, has requested approval for a Site Plan Development Permit (SP-98-34) for that certain 3.1-acre site located on the northwest corner of Westtown Parkway and Lake Drive for the purpose of construction of a 28,787 square foot planned commercial center;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on January 25, 1998, the Plan and Zoning Commission did recommend to the City Council approval of the Site Plan Development Permit (SP-98-34);

WHEREAS, on January 25, 1998 this City Council held a duly-noticed hearing to consider the application for Site Plan Development Permit (SP-98-34);

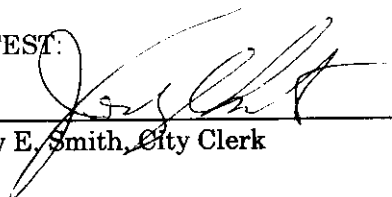
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated January 25, 1998, or as amended orally at the City Council hearing of January 25, 1998, are adopted.

SECTION 2. SITE PLAN DEVELOPMENT PERMIT (SP-98-34) is approved, subject to compliance with all the conditions in the staff report, dated January 25, 1998, including conditions added at the Hearing, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on January 25, 1998.

ATTEST:



Jody E. Smith, City Clerk

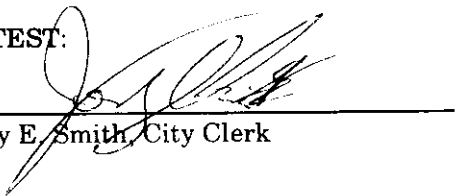


Eugene T. Meyer, Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on January 25, 1998 by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:



Jody E. Smith, City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
PARKS	✓			
OLSON		✓		
SEMAN	✓			
CHMART		✓		
GAER	✓			

MOTION BY Gaer

SECOND BY: Seman

ROLL CALL # 99-034

EXHIBIT A

It was moved by Gaer, second by Sieman concurrence with Plan and Zoning Commission's recommendation for approval of the Preliminary Site Plan subject to the following recommendations:

1. Five (5) feet of additional ROW along Lake Drive be dedicated to the City by deed prior to the issuance of a building permit;
2. A five (5) foot parking setback at the adjoining lot line;
3. Joint access easement being recorded prior to the issuance of a building permit;
4. The site is restricted to tenants that will meet the parking requirements;
5. The restaurants be limited to sit down, non fast food restaurants/delis/donut shops;
6. Coordinate with Parks & Recreation Department for the construction of the public recreation trail. Forty percent (40%) of the cost of the public recreation trail will be funded by the developer, with the City paying for sixty percent (60%). The applicant will have all responsibility for the private trail extending west from the public trail;
7. Additional landscaping is illustrated on the site plan to provide screening of the parking lot along Lake Drive before proceeding to City Council; and
8. Waiver of the parking set back along Lake Drive only, from twenty (20) feet to fifteen (15) feet.

Vote 99-034: Gaer, Parks, Sieman...yes
Olson, Ohmart.....no
Motion carried.