

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 9, 2012
	Agenda Item No. 43 Roll Call No. <u>12-0062</u> Communication No. <u>12-021</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Public hearing on request from Imperial Properties, Inc., to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. Plan and Zoning Commission recommends DENIAL (Roll Call contains alternatives for denial or continuance of hearing to April 23, 2012).

SYNOPSIS:

Staff recommends that the zoning hearing be continued to April 23, 2012.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The current tenant (Chrome Reflections) has occupied the building in violation of City zoning, building and fire codes since October 2009. The first action by the City to address this violation was taken on October 22, 2009 and resulted in the issuance of a decree by District Court Judge Karen Romano in the City’s favor against the building owner (Imperial Properties) on January 21, 2011.

Staff met with the building tenant (Chrome Reflections) on January 5, 2012, per Council directive. Staff agreed to support a continuance of the zoning hearing until April 23, 2012 to allow the tenant and/or building owner the opportunity to submit the following:

1. A code compliant construction and containment plan for the existing building prepared by a licensed architect or engineer. Staff believes the construction costs for required improvements to the site and building could exceed \$100,000.
2. Financial security for removal, disposal and abatement of hazardous materials and processes on the property. A preliminary estimate by City staff indicates that removal, disposal and abatement costs of \$100,000 are possible based upon estimated types and quantities of hazardous materials on the site.
3. A business/financial plan for all operations going forward. Such information is necessary for the Economic Development staff to determine if any programs exist to provide financial assistance for the

project.

In addition the property owner (currently Imperial Properties) will need to sign a letter of acceptance for any zoning conditions deemed necessary upon review of items 1-3 prior to April 23, 2012.

PREVIOUS COUNCIL ACTION(S):

Date: December 19, 2011

Roll Call Number: [11-2146](#)

Action: Public hearing [On](#) request from Imperial Properties, Inc., to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. Plan and Zoning Commission recommends DENIAL, (Roll Call contains alternatives for Denial or Approval). Moved by Mahaffey to continue the public hearing to January 9, 2012 at 5:00 PM. Staff to work with business owners to identify needs and possible solutions. Motion Carried 7-0.

Date: December 5, 2011

Roll Call Number: [11-2050](#)

Action: Setting date of public hearing on request from Imperial Properties, Inc. to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation, (12-19-11). Plan and Zoning Commission recommends DENIAL. Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: November 17, 2011

Resolution Number: ZON2011-00193 and 21-2011-4.14

Action: Plan and Zoning Commission recommended denial of the land use plan amendment and zoning request by a vote of 13-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Hold public hearing on April 23, 2012.

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