

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> April 11, 2016
	<b>Agenda Item No.</b> 58 <b>Roll Call No.</b> <u>16-0609</u> <b>Communication No.</b> <u>16-174</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Review of Zoning Board of Adjustment decision conditionally granting a Use Variance to allow the properties at 712 & 718 SE Astor Street to be used for a salvage yard use.

**SYNOPSIS:**

Staff recommends that the Council decline to remand the decision of the Zoning Board of Adjustment conditionally granting a Use Variance of the permitted uses in the “M-1” Light Industrial District.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- On March 23, 2016, the Zoning Board of Adjustment voted 7-0 to conditionally approve a Use Variance of the permitted uses in the “M-1” Light Industrial District.
- The Use Variance allows the property to be used as a salvage yard use that would operate in common with the existing salvage yard at 1520 Maury Street (Jones Repair and Salvage Yard). The expansion area is separated from the existing salvage yard by undeveloped alley right-of-way.
- The site is located at the southeast corner of SE Astor Street and Shaw Street. It measures 100 feet by 280 feet (28,000 square feet) and is not located within 250 feet of any recognized neighborhood association.
- The site is owned by Dale Jones, 1520 Maury Street, Des Moines, IA 50317, who also owns and operates the salvage yard at 1520 Maury Street.
- Two (2) existing unoccupied single-family dwellings would be removed from the site to accommodate the salvage yard use.
- The salvage yard would be surrounded by a solid screen setback at least 12.5 feet from the front property lines. This setback area must be landscaped in accordance with City’s Landscape Standards.
- Pursuant to Section 134-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council’s action (April 11, 2016).

**PREVIOUS COUNCIL ACTION(S):**

Date: January 25, 2016

Roll Call Number: [16-0159](#)

Action: On request from Dale Jones to rezone 712 and 718 SE Astor Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for a junk/salvage yard to expand the existing operations. Plan and Zoning Commission recommends DENIAL. Moved by Gatto to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 8-2 to recommend denial of the requested rezoning of the Property to “M-2” Heavy Industrial District due to the long term plan for redevelopment of the area. b. The City has long-term plans for potential traffic conversion and future phases of the Municipal Service Center affecting the Property. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Zoning Board of Adjustment

Date: March 23, 2016

Resolution Number: ZON2016-00037

Action: Motion to conditionally grant a Use Variance to allow a salvage yard use, approved by a 7-0 vote.

Board: Plan and Zoning Commission

Date: December 17, 2015

Resolution Number: ZON2015-00221

Action: Motion to recommend denial of a request to rezone the property from “M-1” (Light Industrial) to “M-2” (Heavy Industrial), approved by an 8-2 vote.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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