

.....
Date May 7, 2012.....

**MOTION DISMISSING PROCEEDINGS ON PROPOSED REZONING
1241 EAST 38TH STREET**

WHEREAS, on March 26, 2012, by Roll Call No. 12-0485, the City Council held a public hearing on the request from Arnold DeWitt to rezone 1241 East 38th Street from a R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway-Oriented Commercial District to permit the property to be redeveloped with a self-storage miniwarehouse facility, and the City Council approved the proposed rezoning subject to final passage of a rezoning ordinance; and

WHEREAS, on March 26, 2012, by Roll Call No. 12-0486, the City Council approved the first reading, consideration and vote for passage of the rezoning ordinance which ordinance requires two additional considerations before final passage; and

WHEREAS, at the City Council meeting of April 9, 2012, Arnold DeWitt requested that the rezoning proceedings be dismissed because of a concern that the proposed project would not qualify for tax abatement and was not economically viable without tax abatement; and

WHEREAS, on April 23, 2012 by Roll Call No. 12-0652, the City Council continued the second reading of the rezoning ordinance to the May 7, 2012, meeting and referred the tax abatement concern to the City Manager for his recommendation regarding tax abatement projects commenced before the new tax abatement rules took effect; and

WHEREAS, the proposed self-storage miniwarehouse facility would have qualified for tax abatement under the Restated City-wide Urban Revitalization Plan if it had been commenced prior to December 31, 2011, under authority of a valid building permit and completed by December 31, 2011, but no building permit was timely sought; and,

WHEREAS, the proposed facility could qualify for tax abatement under the Second Restated City-wide Urban Revitalization Plan if the facility satisfied the applicable minimum design standards set forth in that Plan; and,

WHEREAS, Arnold DeWitt has declined to amend the design and exterior materials proposed for the self-storage miniwarehouse facility to satisfy the applicable minimum design standards under the Second Restated City-wide Urban Revitalization Plan; and,

WHEREAS, it will take an amendment to the design standards set forth in the Second Restated City-wide Urban Revitalization Plan to allow a self-storage miniwarehouse facility with the design and materials proposed by Arnold DeWitt, to qualify for tax abatement.

Date May 7, 2012

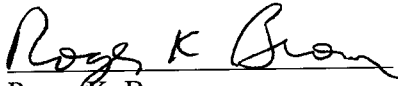
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa as follows:

- A. Dismiss proceedings on the proposed rezoning per Mr. DeWitt's April 9, 2012 request; or
- B. Continue this motion to dismiss proceedings to May 21, 2012; or
- C. Reject Mr. DeWitt's April 9, 2012 withdrawal request and schedule second reading of the rezoning ordinance for May 21, 2012.

MOVED by _____ to adopt, and to approve alternative resolution above.

(Council Communication No. 12-228)

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

C:\Rog\Zoning\Administration\DeWitt - Dismissal of Rezoning 2012-05-07.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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