



Roll Call Number

09-682

Agenda Item Number

59

Date April 20, 2009

WHEREAS, on April 6, 2009 by Roll Call No. 09-545, the City Council duly resolved that the request from Hubbell Realty Company (owner) to rezone property located at 1701 East Euclid Avenue from M-1 Light Industrial District to Limited M-2 Heavy Industrial District to allow appeal for a conditional use permit to the Zoning Board of Adjustment for conversion of warehouse space to a recycling collection center shall be heard at 5:00 p.m. on April 20, 2009 in Council Chambers, City Hall, Des Moines, Iowa. The subject property is more specifically described as follows:

The West 375 feet of that part of the North Half of the Northeast Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, lying South of Euclid Avenue, except the East 40 feet thereof; and, except a triangular piece of ground described as follows: Beginning at a point on the South line of East Euclid Avenue, said point being 335 feet East and 712.2 feet South of the North Quarter corner of said Section 25; thence West along a line that is parallel to the North line of the Northeast Quarter of said Section 25. a distance of 147 feet; thence Southeasterly along a straight line to a point on the West line of Dixon Avenue, said point being 335 feet East and 1024.2 feet South of the North Quarter corner of said Section 25; thence Northerly along a straight line to the point of beginning;

And

The West 335 feet of the West Half of the Southwest Quarter of the Northeast Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, except the South 1,208.31 feet thereof as measured along and perpendicular to the West line of the Southwest Quarter of the Northeast Quarter of said Section 25;

And

That part of Lot 5 of the Official Plat of the South Half of the Northwest Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, lying East of the Chicago Northwestern Railroad right of way, except the South 1,183.31 feet thereof as measured along and perpendicular to the East line of the Southeast Quarter of the Northwest Quarter of said Section 25;

And

Lot 19 in Brown's Lowland Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part described as follows: Beginning at the Northwest corner of said Lot 19; thence East along the North line of said Lot 19 a distance of 222 feet; thence South on a line forming a 90 degree 00 minute angle with the last described course; a distance of 215 feet; thence West on a line parallel with the North line of said Lot 19, a distance of 192.58 feet to the West line of said Lot 19; thence Northerly along the West line of said Lot 19, a distance of 217 feet to the point of



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beginning, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

WHEREAS, the property rezoning is subject to the following conditions:

1. If this use does not go forward the Council may rezone it back to "M-1".
2. This rezoning is for this recycling type of use and "M-1" uses.
3. The entire property shall be brought into conformance with the City's Landscape Standards to the maximum feasible extent as determined by the Community Development Director.
4. Use of the property as a recycling center is subject to the issuance of a Conditional Use Permit by the Zoning Board of Adjustment and on-going compliance with any terms of such permit; and


WHEREAS, due notice of the hearing was published in the Des Moines Register on April 10, 2009 setting forth the time and place for the proposed rezoning; and

WHEREAS, pursuant to the published notice, those interested in the proposed rezoning have been given the opportunity to be heard and have presented their views to the City Council.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that upon due consideration of the facts and statements of interested person and arguments of counsel, the objections to the property rezoning are hereby overruled, the hearing is closed, and the application to rezone the above-described property to a Limited M-2 Heavy Industrial District classification is hereby APPROVED.

Moved by Kiernan to approve and adopt.

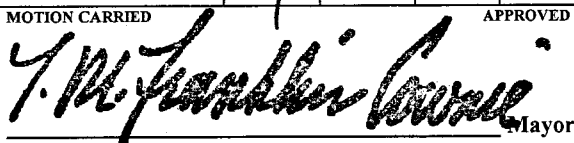
APPROVED AS TO FORM:


Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

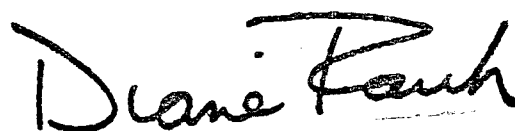
APPROVED


T. M. Franklin
Mayor

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.



City Clerk