

★ Roll Call Number

11-1784

Agenda Item Number

25

Date: October 24, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2011, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Mayorga & Mayorga Partners (owner) represented by Efrain Mayorga (officer) to rezone property located at 1800 Southeast 14<sup>th</sup> Street zoned C-2 General Retail and Highway Oriented Commercial District with a VDL Vehicle Display Lot Overlay to remove the Overlay and rezone to a Limited C-2 District classification, to allow for expansion of the existing vehicle display lot adjoining to the south onto the subject property subject to the following conditions:

1. Any future use of the site for a vehicle display lot shall be operated as an expansion of the existing vehicle display lot at 1902 Southeast 14<sup>th</sup> Street. A new stand-alone vehicle display lot shall not be permitted.
2. Any future use of the site for a vehicle display lot shall be in accordance with a Site Plan under the design guidelines for vehicle display lots as approved by the Plan & Zoning Commission and shall adhere to all landscaping and setback requirements. This Site Plan shall include both the existing vehicle display lot at 1902 Southeast 14<sup>th</sup> Street and the expansion area at 1800 Southeast 14<sup>th</sup> Street.
3. The parcels currently known as 1800 Southeast 14<sup>th</sup> Street and 1902 Southeast 14<sup>th</sup> Street shall be combined by the Polk County Assessor to form one tax parcel.
4. The vehicle display lot, including the existing lot and any expansion, shall be limited to one (1) freestanding sign along the Southeast 14<sup>th</sup> Street frontage.
5. The existing freestanding sign at 1800 Southeast 14<sup>th</sup> Street shall be removed immediately.
6. The existing canopy structure at 1902 Southeast 14<sup>th</sup> Street shall be removed immediately.
7. Only one drive approach shall be permitted along Southeast 14<sup>th</sup> Street and shall align with the median opening in Southeast 14<sup>th</sup> Street at East Edison Avenue. All abandoned drive approaches shall be removed and a full height curb shall be restored along Southeast 14<sup>th</sup> Street.
8. Any outdoor trash collection container shall be within an enclosure constructed with concrete block or masonry materials and 100% opaque steel gates and shall not be located within any required setbacks.

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9. Prior to issuance of a Certificate of Occupancy for any use of the property as a vehicle display lot, the entire site shall be brought into conformance with the Site Plan as approved by the Plan & Zoning Commission.

The subject properties are more specifically described as follows:

Beginning 50 feet West of the Southeast corner, thence West 140 feet, thence North 199.2 feet, thence East 130.3 feet, thence Southeast 200.02 feet to Point of Beginning, Lot 1, Official Plat of the Southeast ¼, Section 10, Township 78 North, Range 24 West of the Fifth P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 7, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Mahaffey to adopt.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

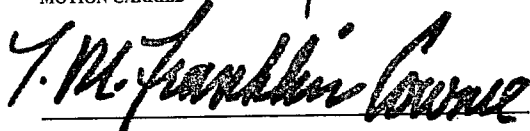
(ZON2011-00171)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

  
 T. M. Franklin  
 Mayor

  
 Diane Rauh  
 City Clerk