

★ Roll Call Number

11-1910

Agenda Item Number

48

Date November 7, 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 14th Street from C-2 General Retail and Highway Oriented Commercial District with a VDL Vehicle Display Lot Overlay to remove the Overlay and to 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 14th 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 14th Street and the expansion area at 1800 Southeast 14th Street.
3. The parcels currently known as 1800 Southeast 14th Street and 1902 Southeast 14th 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 14th Street frontage.
5. The existing freestanding sign at 1800 Southeast 14th Street shall be removed immediately.
6. The existing canopy structure at 1902 Southeast 14th Street shall be removed immediately.
7. Only one drive approach shall be permitted along Southeast 14th Street and shall align with the median opening in Southeast 14th Street at East Edison Avenue. All abandoned drive approaches shall be removed and a full height curb shall be restored along Southeast 14th 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.
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.

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The subject property is more specifically described as follows (the "Property"):

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.

WHEREAS, on October 24, 2011 by Roll Call No. 11-1784, the City Council of the City of Des Moines, Iowa, duly resolved to hold a public hearing on the proposed rezoning of the Property at 5:00 p.m. on November 7, 2011 in Council Chambers at City Hall; and

WHEREAS, due notice of the public hearing was published in the Des Moines Register on October 27, 2011 pursuant to Iowa Code Sections 362.3 and 414.4; and

WHEREAS, pursuant to the notice, those persons both in favor of and opposed to the proposed rezoning have had the opportunity to be heard and have made their views known to the City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property are hereby overruled, the hearing is closed and the proposed rezoning of the Property from C-2 General Retail and Highway Oriented Commercial District with a VDL Vehicle Display Lot Overlay to a Limited C-2 District classification with the VDL Overlay removed is hereby APPROVED.

MOVED by Meyer to adopt and approve the rezoning.

FORM APPROVED:

[Signature]
Michael F. Kelley, Assistant City Attorney

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

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.

7. M. Franklin Cownie
Mayor

Diane Rauh
City Clerk

MOTION CARRIED APPROVED