

★ Roll Call Number

120282

Agenda Item Number

18

Date February 27, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 2, 2012, its members voted 9-2 in support of a motion to recommend **APPROVAL** of a request from Thomas Yaw (purchaser), Des Moines Metro Wastewater Reclamation Authority (WRA) owner to rezone property at 931 Southeast 21st Street from M-1 Light Industrial District to the Limited M-2 Heavy Industrial District subject to the applicant agreeing to the following upon taking ownership of the property:

1. Any separate use or development of the subject property for a use requiring the M-2 District zoning shall meet all requirements under Section 134-1122(5).
2. Any use or development of the subject property as an expansion of an existing non-conforming use on adjoining property requiring the M-2 District zoning, shall require that the property and the adjoining property devoted to the same use be brought into conformance with the M-2 District standards, including current Site Plan and landscaping requirements.

The subject properties are more specifically described as follows:

Commencing as a point of reference at the East ¼ corner of Section 11, Township 78 North, Range 24 West of the 5th P.M., thence North along the East line of said Section 11 647.02 feet, thence West 851.32 feet perpendicular to said East line of Section 11 to the East line of Vacated Southeast 21st Street, thence South along said East line of Vacated Southeast 21st Street 720.76 feet to the Point of Beginning, thence Northwesterly 123.17 feet, thence North 466.45 feet along a line parallel to and 120 feet West of said East line of Vacated Southeast 21st Street, thence Southeasterly to said East line of Vacated Southeast 21st Street, thence South along said East line of Vacated Southeast 21st Street to the Point of Beginning, 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 March 12, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.

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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 Meyer to adopt.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(ZON2012-00002)

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

MOTION CARRIED

APPROVED


 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