

★ Roll Call Number

12-0340

Agenda Item Number

47

Date February 27, 2012

WHEREAS, on February 13, 2012 by Roll Call No. 12-0186, it was duly resolved by the City Council that the application of Anthofer Holdings, LLC to rezone certain property located in the vicinity of 2814 Southeast 14th Street, more fully described below, to remove the VDL Vehicle Display Lot Overlay District classification, be set down for hearing on February 27, 2012, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 16, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

(Except East 29.36 feet on North line and East 23.78 on South Line of Lots 27 and 28) and (Except Triangular piece measuring North 10 feet on West Line and West 100 feet on North Line of Lot 28) Lots 27 and 28, Oak Hill, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

in order to remove the VDL Vehicle Display Lot Overlay District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- a. 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.
- b. The number of vehicles for display shall be limited to no more than 30, with all required minimum off-street parking spaces provided.
- c. Any vehicle display lot shall be limited to one (1) freestanding sign along the Southeast 14th Street frontage, with no freestanding sign along King Avenue.

(Continued on Page 2)

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- d. Any outdoor trash collection container shall be within an enclosure constructed with concrete block or masonry materials and 100% opaque steel gates. It shall not be located within any required setbacks.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to remove the VDL Vehicle Display Lot Overlay District classification are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

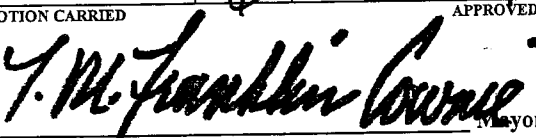

 Michael F. Kelley
 Assistant City Attorney

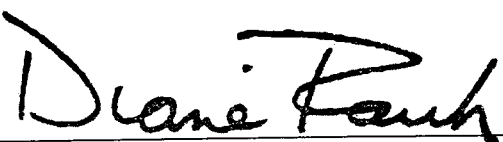
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1

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