

★ Roll Call Number

12-0346

Agenda Item Number

49

Date February 27, 2012

WHEREAS, on February 13, 2012 by Roll Call No. 12-0188, it was duly resolved by the City Council that the application of ThermoKing Sales and Service, Inc. to rezone certain property located in the vicinity of 4975 Hubbell Road, more fully described below, from the A-1 Agricultural District to a Limited M-1 Light Industrial 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:

Beginning 136.11 feet West and 133.31 feet North of the Southeast Corner, thence West 261.27 feet, thence northerly 551.68 feet, thence Northeasterly 145 feet, thence Southeasterly 179 feet, thence South 540.88 feet to the Point of Beginning, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 15, Township 79 North, Range 23 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the A-1 Agricultural District to a Limited M-1 Light Industrial 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:

- (1) Permitted uses shall be limited to the following:
 - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
 - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.

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- c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
 - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- (2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

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 a Limited M-1 Light Industrial District are hereby overruled, and the hearing is closed.

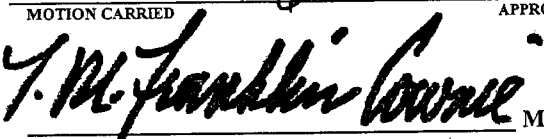
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Mahaffey 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

MOTION CARRIED APPROVED

T. M. Franklin Cownie 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.


Diane Rauh City Clerk