

★ Roll Call Number

12-0349

Agenda Item Number

50

Date February 27, 2012

WHEREAS, on February 13, 2012 by Roll Call No. 12-0189, it was duly resolved by the City Council that the application of JZJL Holdings, LLC d/b/a QCSA Direct to rezone certain property located in the vicinity of 1700 East Aurora Avenue, more fully described below, to revise the Limited M-2 Heavy Industrial District classification with conditions approved by Ordinance No. 14,504 that prohibits use of the property as a junk or salvage yard, to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property, 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 at the Southwest corner of Lot 1, Ford Industrial Park, an Official Plat; thence, North 00° 31' 39" East along the West line of said Lot 1 a distance of 1026.64 feet to the Northwest corner of said Lot 1; thence, North 48° 00' 04" East along the Northwest line of said Lot 1 a distance of 246.97 feet to the most Northerly corner of said Lot 1; thence, Southeast along the Northeast line of said Lot 1, and along a 2561.87 foot radius curve, concave Northerly a distance of 249.14 feet, said curve have a chord bearing of South 62° 00' 28" East and a chord length of 249.04 feet; thence, South 66° 13' 53" East along the Northeasterly line of said Lot 1 a distance of 168.35 feet; thence, South 00° 28' 11" East a distance of 475.88 feet; thence, North 89° 42' 31" East a distance of 379.67 feet; thence, South 00° 24' 33" East a distance of 303.38 feet; thence, South 89° 38' 33" West a distance of 410.94 feet; thence, South 00° 17' 28" East a distance of 224.83 feet to the South line of said Lot 1; thence, South 89° 44' 47" West along the South line of said Lot 1 a distance of 542.92 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

to revise the Limited M-2 Heavy Industrial District classification with conditions approved by Ordinance No. 14,504 that prohibits use of the property as a junk or salvage yard, to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property, 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:

★ Roll Call Number

12-0349

Agenda Item Number

50

Date February 27, 2012

-2-

To revise the conditions approved by Ordinance No. 14,504 that prohibits use of the property as a junk or salvage yard, to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property.

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-2 District classification are hereby overruled, the hearing is closed and the proposed rezoning to a revised Limited M-2 District Classification is hereby APPROVED.

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:

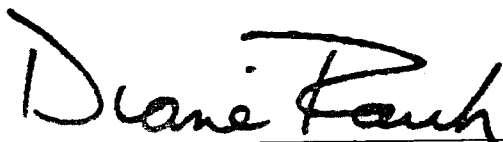
  
 Michael F. Kelley  
 Assistant City Attorney


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

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

  
 \_\_\_\_\_ Mayor