

★ Roll Call Number

12-0414

Agenda Item Number

35

Date March 12, 2012

WHEREAS, on February 27, 2012 by Roll Call No. 12-0282, it was duly resolved by the City Council that the application of Thomas Yaw (contract purchaser) and Des Moines Metropolitan Wastewater Reclamation Authority (titleholder) to rezone property located in the vicinity of 931 Southeast 21<sup>st</sup> Street from the M-1 Light Industrial District to a Limited M-2 Heavy Industrial District classification, more fully described below, be set down for hearing on March 12, 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 March 1, 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:

Commencing as a point of reference at the East ¼ corner of Section 11, Township 78 North, Range 24 West of the 5<sup>th</sup> 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 21<sup>st</sup> Street, thence South along said East line of Vacated Southeast 21<sup>st</sup> 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 21<sup>st</sup> Street, thence Southeasterly to said East line of Vacated Southeast 21<sup>st</sup> Street, thence South along said East line of Vacated Southeast 21<sup>st</sup> Street to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the M-1 Light Industrial District to a Limited M-2 Heavy 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:

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).

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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, and the hearing is closed and the proposed rezoning to a 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 Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED T. M. Franklin Council 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