

★ Roll Call Number

12-1964

Agenda Item Number

47

Date.....  
December 17, 2012

WHEREAS, on December 3, 2012 by Roll Call No. 12-1835, it was duly resolved by the City Council that the application of Available Materials Handling, LLC (owner) represented by Anthony Holt (officer) to rezone property located at 607 Southeast 21<sup>st</sup> Street from M-1 Light Industrial District to a limited M-2 Heavy Industrial District, more fully described below, be set down for hearing on December 17, 2012, at 5:00 p.m., in Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on December 6, 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 published 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:

Part of Lot 1 Official Plat of Lot 58 lying Easterly of railroad Right-of-Way, Brooks & Cos Addition, an Official Plat, also Lots 18 through 34, Block 7, Jack's Plat, an Official Plat, and also Lots 17, 18, & 19, Block 8, lying East of railroad Right-of-Way, Jack's Plat, and vacated Southeast 21<sup>st</sup> Court Right-of-Way lying west of and adjoining said Lots 18 through 34, Block 7, Jack's Plat, and also vacated Shaw Street Right-of-Way lying South of and adjoining Lot 18, Block 7, Jack's Plat, and vacated Shaw Street Right-of-Way lying South of and adjoining vacated Southeast 21<sup>st</sup> Court Right-of-Way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from M-1 Light Industrial District to a limited M-2 Heavy Industrial District classification, subject to the following condition which is agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and is binding upon the owners and their successors, heirs and assigns as follows:

Uses are to be limited to M-1 uses and dismantling of construction equipment for purpose of transport with no storage longer than six months.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to and the statements in support of the proposed rezoning of the Property from M-1 Light Industrial District to a limited M-2 Heavy Industrial District classification have been considered, the hearing is closed, and the proposed rezoning to the Limited M-2 District classification is hereby:


\_\_\_\_\_ APPROVED.

Moved by \_\_\_\_\_ to adopt and to approve the rezoning, subject to final passage of the rezoning ordinance.

X DENIED.

Moved by Meyer to adopt and to deny the rezoning. The City Manager will notify the Zoning Board of Adjustment that the City Council has no objection to this applicant seeking a use variance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

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

MOTION CARRIED

APPROVED

T. M. Franklin 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