

★ Roll Call Number

13.0598

Agenda Item Number

47B

Date April 8, 2013

WHEREAS, on March 11, 2013 by Roll Call No. 13-0400, it was duly resolved by the City Council that the application of Anthony Holt, owner, to rezone certain property located in the vicinity of 20 East 18th Street from the M-1 Light Industrial District to Limited M-2 Heavy Industrial District classification, more fully described below, be set down for hearing on April 8, 2013, 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 14, 2013, 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:

Lots 1 through 8 and Lots 15 through 22, Block 1, I.N. Thomas Sub Division, an Official Plat, and the vacated East-West alley lying North and adjoining Lots 17 through 22, Block 1, I.N. Thomas Sub Division 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 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:

- 1) Use of the property shall be limited to the following:
 - a. Any use as permitted and limited in the M-1 District.
 - b. Storage of inoperable machinery in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment.
- 2) Any area used for outdoor storage of inoperable machinery shall be completely screened from view and shall be setback at least 100 feet from any public right-of-way.

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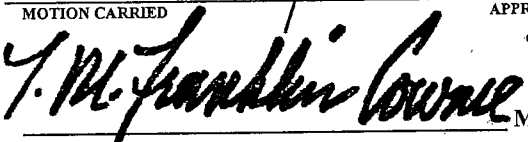
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from the M-1 Light Industrial District to Limited M-2 Heavy Industrial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited M-2 District classification is hereby APPROVED.

Moved by Meyer to adopt.

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