



Roll Call Number

13-1752

Agenda Item Number

43B

Date November 4, 2013

RESOLUTION CLOSING HEARING ON REQUEST FROM RACCOON STREET WAREHOUSE, LLC, TO REZONE PROPERTY LOCATED AT 301 AND 309 SOUTHEAST 8th STREET FROM M-1 LIGHT INDUSTRIAL DISTRICT TO M-2 HEAVY INDUSTRIAL DISTRICT AND TO REMOVE THE PROPERTY FROM THE "D-O" DOWNTOWN OVERLAY DISTRICT,

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 7, 2000, its members voted 13-0 in support of a motion to recommend DENIAL of a request from Raccoon Street Warehouse, LLC, to rezone property located at 301 and 309 Southeast 8th Street from the M-1 Light Industrial District to the M-2 Heavy Industrial District and to remove the property from the "D-O" Downtown Overlay District, to allow for a future request for a Conditional Use to allow a beverage container recycling business; and

WHEREAS, on October 21, 2013 by Roll Call No. 1627, the City Council set a public hearing on the proposed rezoning for November 4, 2013 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa;

The subject property is more specifically described as follows (the "Property"):

All Lots 1 through 10, and vacated intervening North/South alley Right-of-Way, Block 35, Town of De Moine, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, notice of the public hearing was published in the Des Moines Register according to law on October 24, 2013, setting forth the time and place for hearing on the proposed rezoning; and

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to City Council.



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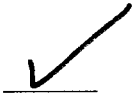
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

Alternative A



Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from M-1 Light Industrial District to M-2 Heavy Industrial District and to remove the property from the "D-O" Downtown Overlay District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED for the reasons set forth in the accompanying letter from the Zoning Administrator.

MOVED by Coleman to adopt and to DENY the proposed rezoning.

Alternative B

The public hearing is hereby continued until 5:00 p.m. at the City Council meeting on November 18, 2013 and the City Manager and Legal Department are hereby directed to prepare the necessary legislation to approve the rezoning subject to the conditions acceptable to the City and the applicant.

MOVED by to adopt and to continue the public hearing.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			

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