



Roll Call Number

13-1894

Agenda Item Number

22

Date December 9, 2013

RESOLUTION SCHEDULING NEW HEARING ON APPLICATION OF LOFFREDO GARDENS, INC., TO REZONE PROPERTY AT 4001 SW 63rd STREET FROM "PBP" PLANNED BUSINESS PARK TO "M-1" LIGHT INDUSTRIAL DISTRICT

WHEREAS, on November 18, 2013, by Roll Call No. 13-1846, the City Council closed the public hearing and gave conditional approval of the request from Loffredo Gardens, Inc. (owner), represented by Eugene Loffredo (officer), to rezone property it owns at 4001 SW 63rd Street, and more specifically described as follows:

Outlot Z, Airport Industrial Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "PBP" Planned Business Park District to the "M-1" Light Industrial District, to allow for an approximately 45,000-square foot warehouse building to be developed on the Property at a location south of the existing facility, subject to the owner agreeing to the following conditions:

- a) Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738;
b) Vehicular driveway access for site development use may only be from Watrous Avenue;
c) Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material; and,
d) Applicant shall meet with adjoining property owner to discuss provision of landscaping along the south boundary; and,

WHEREAS, the Acceptance of Zoning Ordinance was not signed by Loffredo Gardens, Inc., before the close of that hearing, making the above conditions unenforceable against the current and future owners of the Property; and,

WHEREAS, the City Council desires to hold a new hearing on the proposed rezoning to enable the conditions to be enforceable against the current and future owners of the Property.

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

- 1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on December 23, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.

( continued )



Roll Call Number

13-1894

Agenda Item Number

22

Date December 9, 2013

- 2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\offredo\ZON2013-0161 RC.docx

(ZON2013-00161)

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

MOTION CARRIED

APPROVED

T. M. Franklin Cooney 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