



Roll Call Number

14-0052

Agenda Item Number

29

Date January 13, 2014

RESOLUTION SETTING HEARING ON A REQUEST FROM C&S PROPERTIES II, LC REPRESENTED BY CHRIS RISEWICK (OFFICER) TO REZONE PROPERTY LOCATED 4140 EAST 14TH STREET, TO ALLOW EXPANSION OF A LEGAL NON-CONFORMING LIGHT INDUSTRIAL USE WITH OUTDOOR STORAGE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2013, a motion was passed on a vote of 13-0 to recommend **APPROVAL** of a request from C & S Properties II, LC (owner) represented by Chris Risewick (officer) to rezone property located at 4140 East 14th Street from "C-2" General Retail and Highway-Oriented Commercial District to "Limited M-1" Light Industrial District, to allow expansion of a legal non-conforming light industrial use with outdoor storage subject to the applicant agreeing to the following conditions:

1. Only the following uses of land and structures shall be permitted on the property:
 - a) Any use allow in and as restricted in the "C-2" District, except the following uses which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs additional to one existing 672-square foot off-premises sign with two faces which is to remain.
 - 4) Liquor stores/package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages.
 - 6) Delayed deposit services.
 - b) Warehousing and outdoor contractor storage yard.
2. The existing non-conforming outdoor storage occurring on the property shall be relocated to be outside of any required front yard setback.
3. All overhead doors on any principal or accessory building shall not face residentially zoned property, unless determined by the Community Development Director that no other reasonable location for the overhead doors exist and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
4. Any development of the property shall comply with the City's Landscaping Standards applicable in a "C-2" District.



Roll Call Number

14-0052

Agenda Item Number

29

-2-

Date January 13, 2014

WHEREAS, the subject property is more specifically described as follows:

Lots 19, 20, 21 and 22 (except South 130.85 feet of Lot 22; except South 130.85 feet of the East 8 feet of Lot 21; except South 125.42 feet of the West 65 feet of Lot 19; except North 125 feet of the South 250.42 feet of the West one foot of Lot 19), in SHAWNEE ACRES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Lot 23 (except the south 130.85 feet thereof) and all of Lots 24, 25, 26, 27, 28, 29 and 30, in SHAWNEE ACRES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 at City Hall, at 5:00 p.m. on January 27, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
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

(ZON2013-00197)

G:\SHARED\LEGAL\BROWN\REZONING\C&S Properties II, LC\Set Hearing Roll Call.docx

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRAY, HENSLEY, MAHAFFEY, MOORE, VOSS, and TOTAL.

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk