



Roll Call Number

14-0170

Agenda Item Number

43B

Date January 27, 2014

WHEREAS, on January 13, 2014 by Roll Call No. 14-0052, it was duly resolved by the City Council that the application of C & S Properties II, LC, represented by Chris Risewick (officer) to rezone certain property it owns in the vicinity of 4140 East 14<sup>th</sup> Street from the "C-2" General Retail and Highway-Oriented Commercial District to a Limited "M-1" Light Industrial District classification as more fully described below, be set down for hearing on January 27, 2014, 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 January 16, 2014, 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 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

from the C-2" General Retail and Highway-Oriented Commercial District to Limited "M-1" Light 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) 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.



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14-017D

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- 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, at the earlier of the time that an additional warehouse building is built on the Property or November 1, 2014.
- 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.

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 "C-2" General Retail and Highway-Oriented Commercial District to a Limited "M-1" Light Industrial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "M-1" District classification is hereby APPROVED.

MOVED by Moore to adopt and approve the rezoning, subject to final passage of the rezoning ordinance, and refer to the City Manager to provide a report with the second reading, addressing why this rezoning is different from the proposed rezoning at 4141 E. 14th Street that was recently denied.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
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