

Date June 23, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF JEFFERY TUCKER TO REZONE PROPERTY IN THE VICINITY OF 4044 E. 14TH STREET FROM THE "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT AND "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT CLASSIFICATION, AND CONDITIONALLY APPROVING SAME

WHEREAS, on June 9, 2014, by Roll Call No. 14-0851, it was duly resolved by the City Council that the application of Jeffery Tucker (owner), to rezone certain property located in the vicinity of 4044 E. 14th Street, more fully described below, be set down for hearing on June 23, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on June 12, 2014, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said 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 34, 35, 36, and the North 180 feet of Lot 44 in SHAWNEE ACRES, 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 "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. Only the following uses of structures or land shall be permitted upon the Property:
- a) Warehousing and outdoor contractor storage yard.
 - b) Any use permitted in and as limited in the "C-2" General Retail and Highway Oriented commercial District, except the following, which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs.
 - 4) Liquor stores and package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages and pawn shops.
 - 6) Delayed deposit services businesses.

(continued)

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- B. Existing non-conforming outdoor storage areas on the Property shall be reduced to be outside of any required front yard setback and "R" District protection setback.
- C. Any new or additional 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 exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
- D. Any development of the Property shall comply with the City's Landscaping Standards applicable in a "C-2" District.
- E. Any outdoor storage of loose landscaping material shall be kept within containment as approved during Site Plan review.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "M-1" District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Moore to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

MOTION CARRIED

APPROVED

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 Mayor

Diane Rauh City Clerk