

Date July 28, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM DENNIS MODDE (OWNER) TO REZONE PROPERTY LOCATED AT 727 SOUTHEAST 28TH STREET FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT, TO ALLOW EXPANSION OF THE EXISTING TREE SERVICE CONTRACTOR EQUIPMENT STORAGE YARD AND WOODYARD OUTDOOR STORAGE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 17, 2014, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Dennis Modde (owner) to rezone property located at 727 Southeast 28th Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow the subject property to be used for expansion of the existing tree service contractor equipment storage yard and woodyard outdoor storage for on-site business John's Tree Service, subject to the owner agreeing to the following conditions:

1. The only Industrial or Commercial use of the Property shall be for use by a tree service business.
2. Any expansion of the tree service business shall be in accordance with a Site Plan as approved by the City's Permit & Development Center.
3. All drive aisles and maneuvering areas within the expansion area shall be paved and all storage areas shall have a durable and dust-free surface.
4. Any outdoor storage within the expansion area shall be screened from view from public Right-of-Way.
5. At such time as the Southeast Connector roadway is dedicated adjacent to the Property, a row of trees spaced every 10 feet, of a species selected by the owner in consultation with the Municipal Arborist, or a 6-foot tall fence shall be provided and maintained by the owner along the north edge of the Property between the existing office building and the point where the retaining wall for the Southeast Connector roadway begins; and

WHEREAS, the Property is legally described as follows:

Except parcel of land conveyed to the City of Des Moines, Iowa by Warranty Deed recorded in Book 14659, Page 960 in the Recorder's Office of Polk County, Iowa; and

Except the north 25 feet measured on the west line of the 10 foot vacated north/south alley lying east of and adjoining Lots 1 and 2 of Block 20, LARISON PLACE, an Official Plat; and

Lot 4 of FREDREGILL, an Official Plat; and Lots 1 through 11 of Block 20, LARISON PLACE; and the vacated north/south alley lying east of and adjoining Lots 1 through 11 of Block 20, LARISON PLACE, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



Roll Call Number

14-1137

Agenda Item Number

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Date July 28, 2014

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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 August 11, 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 Mahaffey to adopt.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(ZON2014-00106)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (7 yeas).

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 (handwritten signature)

City Clerk

T. M. Franklin Council Mayor (handwritten signature)