



Roll Call Number

15-0107

Agenda Item Number

24

Date January 26, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM ARNOLD DEWITT (OWNER) TO  
REZONE PROPERTY LOCATED IN THE VICINITY OF 3917 MAHASKA AVENUE FROM  
"R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED "C-2"  
GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2015, its members voted 9-1 in support of a motion to recommend **APPROVAL** of a request from Arnold DeWitt (owner) to rezone real property located in vicinity of 3917 Mahaska Avenue, locally known as 3917 Mahaska Avenue and Polk County District/Parcel No. 060/00668-000-000 ("Property"), from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District to allow expansion of the existing mini-warehouse complex, subject to the owner agreeing to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
  - a. Any use allowed in the "R1-60" Commercial Residential District.
  - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
  - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
  - b. The remaining sides of any building shall be in earth-tone colors.
  - c. No storage units shall have doors facing towards Mahaska Avenue.
  - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
  - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
  - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
  - g. There shall be no signs other than internal directional signs on the Property.
  - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
  - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
  - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
  - k. No surface water shall be released onto any adjoining residential property.
  - l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
  - m. No exterior lighting shall be placed on building faces that do not directly abut a drive; and

( continued )



Roll Call Number

15-0107

Agenda Item Number

24

Date January 26, 2015

-2-

WHEREAS, the Property is legally described as follows:

Lots 101, 102, and 103 in BROADACRE, an Official Plat, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 February 9, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2014-00230)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Y. 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