

Date March 9, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM
PYRAMID INVESTMENTS, LLC (OWNER) TO REZONE PROPERTY LOCATED AT
1300 ARMY POST ROAD FROM "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED
COMMERCIAL DISTRICT AND "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT
TO LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 19, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Pyramid Investments, LLC (owner), represented by Jeff Ratashak (officer), to rezone real property located at 1300 Army Post Road ("Property") from "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, to allow permitted uses in the "C-2" District and a contractor's equipment storage yard use only, with conversion of the existing vacant print shop to a contractor's business with offices, shop and indoor/outdoor storage of equipment and materials, subject to the owner agreeing to the following conditions:

1. The only uses of the Property shall be those permitted in the "C-2" District and contractor's storage yard;
2. The following additional uses shall be prohibited:
 - a) Adult entertainment businesses;
 - b) Automobile establishments for display, hire, rental, and sales;
 - c) Delayed deposit services;
 - d) Liquor stores or other businesses selling packaged alcoholic liquor;
 - e) Off-premises advertising signs;
 - f) Pawn brokerages; and
 - g) Taverns and nightclubs;
3. Any contractor's storage yard shall be limited to the area directly south of the existing building on the Property;
4. Any reuse of the Property for a contractor's storage yard shall be in conformance with a Site Plan approved by the Permit and Development Center in accordance with requirements for contractor's storage yards, including adequate screen fencing of a height sufficient to fully screen any equipment or vehicles stored on the Property;
5. Conformance with landscape standards as applicable in "C-2" Districts is required prior to use of the Property for a contractor's storage yard;
6. Buildings on the Property shall be prohibited from having predominately metal exteriors; and
7. Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street, in accordance with Traffic Engineering requirements as part of an approved Site Plan; and

WHEREAS, the Property is legally described as follows:

Lots 7 through 10 (except the North 10 feet thereof), and Lot 11 (except the North 10 feet thereof and except the West 30 feet thereof), and the North 34 feet of Lot 33, and Lot 34 (except the South 125 feet of the West 15 feet thereof and except the South 50 feet of the East 35 feet thereof), all in David McKee Place, an Official Plat, all now included and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all covenants, easements, and restrictions of record.

★ Roll Call Number

15-0386

Agenda Item Number

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Date March 9, 2015

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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 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 March 23, 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 Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2015-00002)

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

MOTION CARRIED 7 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