



**Roll Call Number**

15-0531

**Agenda Item Number**

45

**Date** March 23, 2015

**RESOLUTION HOLDING 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**, on March 9, 2015, by Roll Call No. 15-0386, the City Council received a communication from the City Plan and Zoning Commission advising 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**, on March 9, 2015, by Roll Call No. 15-0386, it was duly resolved by the City Council that the application of Pyramid Investments, LLC (owner) to rezone the Property, as legally described below, be set down for hearing on March 23, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

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



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**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 Property locally known as 1300 Army Post Road, legally described as:

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.

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, to allow permitted uses in the "C-2" District and a contractor's equipment storage yard use only, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

**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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "M-1" Light Industrial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "M-1" Light Industrial District with conditions as set forth above is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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	5	1		1

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