



Roll Call Number

15-1960

Agenda Item Number

18

Date November 23, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM IMPERIAL PROPERTIES, INC.
TO REZONE PROPERTY LOCATED AT 4141 EAST 14TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held November 5, 2015, its members voted 9-2 in support of a motion to recommend **APPROVAL** of a request from Imperial Properties, Inc. (owner), represented by Bill Moyer (officer), to rezone real property locally known as 4141 East 14th Street ("Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "M-1" Light Industrial District with addition of chrome plating to allow use of the property for light industrial uses, subject to;

1. Only the following uses of land and structures shall be permitted on the property:
 - a) Any use allow in and as restricted in the "C-2" District, except the following uses which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs.
 - 4) Liquor stores/package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages.
 - 6) Delayed deposit services.
 - b) Warehousing and outdoor contractor storage yard.
 - c) Chrome plating.
 2. Any change in occupancy for the building or the land is subject to compliance with all Building and Fire Codes.
 3. Any outdoor storage shall comply with requirements in Sec. 134-1087(4) of the Zoning Ordinance, and shall be screened from public street views.
 4. Any overhead doors on any principal or accessory building shall not directly face public streets, unless determined by the Community Development Director that no other reasonable location for the overhead doors exist and that they are adequately designed in such a manner that their visual impact would be minimal.
 5. Any development of the property shall comply with the City's Landscaping Standards applicable in a "C-2" District.
- and

WHEREAS, the Commission further recommended the following conditions precedent to Council approval of the proposed rezoning:

1. Imperial Properties, Inc. must provide a City Code compliant construction and containment plan for the existing building prepared by a licensed architect or engineer; and
2. Imperial Properties, Inc. must demonstrate financial security for removal, disposal and abatement of hazardous materials and processes on the Property, as applicable; and
3. Imperial Properties, Inc. must provide a business/financial plan for operations going forward if financial assistance is requested from the City's Office of Economic Development; and

(continued)

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WHEREAS, the Property is legally described as follows:

Beginning at a point 33 feet East and 25 feet South of the NW corner of the SW 1/4 of Section 24, Township 79 North, Range 24, West of the 5th P.M.; thence East along the South line of Aurora Avenue 200 feet; thence South 180 feet parallel to the East line of East 14th Street; thence West along a line parallel to the South line of Aurora Avenue 200 feet; thence North 180 feet to the Point of Beginning, now included in and forming a part of City of Des Moines, Polk County, Iowa, subject to road easement.

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 December 7, 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:

Lawrence R. McDowell, Deputy City Attorney

(ZON2015-00178)

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

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.

City Clerk