



Roll Call Number

15-2057

Agenda Item Number

22

Date December 7, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM T. MICHAEL PRICE
TO REZONE PROPERTY LOCATED AT 1545 2ND PLACE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held November 19, 2015, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from T. Michael Price (owner) to rezone real property locally known as 1545 2nd Place ("Property") from "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District to allow use of the Property for off-street parking use in support of a contractor's business and storage yard, subject to the following conditions:

1. Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allowed in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.

2. The Property shall be developed and landscaped in accordance with a Site Plan approved by the City's Permit and Development Center, which shall be in substantial compliance with the preliminary site plan of the Property submitted to the City with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the Property.
 - b. Storage of vehicles, containers, and materials in excess of 10 feet in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.

3. There shall be no extension of parking to serve any use on the Property into any adjoining residentially zoned property.

4. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This Site Plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties; and

WHEREAS, the Property is legally described as follows:

The North 25 feet of Lot 26 and all of Lot 27 and the West half of the vacated alley (being Lot C) lying east of and adjacent thereto, all in MARSHALL'S SECOND ADDITION, an Official Plat, now included in an forming a part of the City of Des Moines, Polk County, Iowa.

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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 December 21, 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:

Lawrence R. McDowell
Deputy City Attorney

(ZON2015-00198)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

T. M. Franklin Council 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