



Roll Call Number

15-2158

Agenda Item Number

52

Date December 21, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM T. MICHAEL PRICE TO REZONE PROPERTY LOCATED AT 1545 2ND PLACE FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT CLASSIFICATION

WHEREAS, on December 7, 2015, by Roll Call No. 15-2057, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on 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 located at 1545 2nd Place ("Property") from "R1-60" Once-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.

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

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

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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 1545 2nd Place, legally described as:

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.

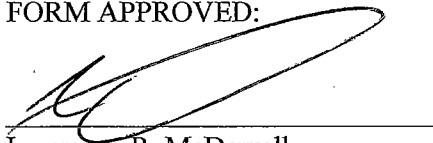
from "R1-60" Once-Family Low-Density Residential District to a Limited "M-1" Light Industrial District to allow use of the Property for off-street parking use in support of a contractor's business and storage yard, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance 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 Gray TO ADOPT.

FORM APPROVED:



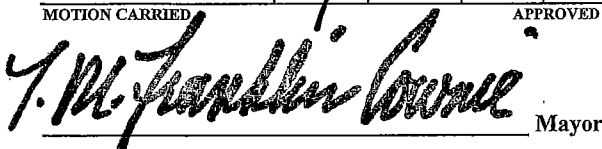
Lawrence R. McDowell
Deputy City Attorney

(ZON2015-00198)

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


Diane Rauh
City Clerk