



Roll Call Number

15-2172

Agenda Item Number

55

Date December 21, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM STEVEN SHADE D/B/A HEAVENLY HAULING (LESSEE) TO REZONE PROPERTY LOCATED AT 1812 2ND AVENUE

WHEREAS, on December 7, 2015, 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 **DENIAL** of a request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone property located at 1812 2nd Avenue (“Property”) from “M-1” Light Industrial District to “M-2” Heavy Industrial District to allow outside storage of junk and debris related to a solid waste hauling business; and

WHEREAS, on December 7, 2015, by Roll Call No. 15-2056, it was duly resolved by the City Council that the application of Steven Shade d/b/a Heavenly Hauling to rezone the Property, legally described as follows, be set down for hearing on December 21, 2015 at 5:00 p.m. in the Council Chamber at City Hall:

Lots 13 and 14, FRANKLIN PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa; 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 rezoning; 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.

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 statements of interested persons and arguments of counsel, any and all comments for and against the proposed rezoning of the Property to “M-2” Heavy Industrial District, to allow outside storage of junk and debris related to a solid waste hauling business, are hereby received and filed, and the hearing is closed.

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Alternative A

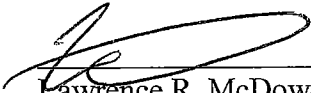
MOVED by Gray to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:

- a. The City Plan and Zoning Commission voted 8-0 to recommend denial of the requested rezoning of the Property to "M-2" Heavy Industrial District, to allow outside storage of junk and debris related to a solid waste hauling business.
- b. The "M-2" Heavy Industrial District is not appropriate at this site since heavy industrial uses typically create higher levels of noise, traffic, and other impacts and, therefore, require greater separation from residential uses.

Alternative B

MOVED by _____ to ~~continue~~ the public hearing until January 11, 2016, at 5:00 p.m. in the Council Chambers, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning subject to conditions acceptable to the City and the owner.

FORM APPROVED:



 Lawrence R. McDowell
 Deputy City Attorney

(ZON2015-00210)

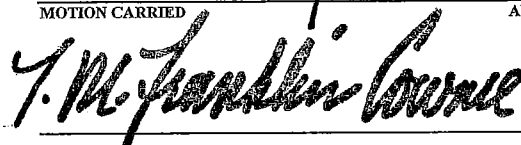
NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Commission's recommendation for denial. Des Moines City Code §134-4.

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

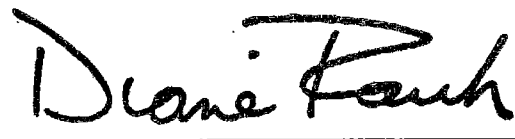
CERTIFICATE

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.



 Mayor



 City Clerk