



Roll Call Number

16-0159

Agenda Item Number

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Date January 25, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM DALE JONES TO REZONE PROPERTY LOCATED AT 712 AND 718 SE ASTOR STREET

WHEREAS, on January 11, 2016, by Roll Call No. 16-0044, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held December 17, 2015, its members voted 8-2 in support of a motion to recommend DENIAL of a request from Dale Jones (owner) to rezone real property locally known as 712 and 718 SE Astor Street ("Properties") from "M-1" Light Industrial District to "M-2" Heavy Industrial District to allow for an application for a Conditional Use Permit from the Zoning Board of Adjustment for a junk/salvage yard to expand the existing site to the west; and

WHEREAS, on January 11, 2016, by Roll Call No. 16-0044, it was duly resolved by the City Council that the application of Dale Jones to rezone the Property, legally described as follows, be set down for hearing on January 25, 2016 at 5:00 p.m. in the Council Chamber at City Hall:

Lots 14 through 20 of Block 5, HAWTHORN GROVE, an Official Plat, now included in an forming a part of the City of Des Moines, Polk County, 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 for an application for a Conditional Use Permit from the Zoning Board of Adjustment for a junk/salvage yard to expand the existing operation, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Gatto 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 8-2 to recommend denial of the requested rezoning of the Property to "M-2" Heavy Industrial District due to the long term plan for redevelopment of the area.
b. The City has long-term plans for potential traffic conversion and future phases of the Municipal Service Center affecting the Property.
c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

( continued )

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Alternative B

MOVED by \_\_\_\_\_ to continue the public hearing until February 8, 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:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

(ZON2015-00221)

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	✓			
MOORE	✓			
WESTERGAARD	✓			
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