



Roll Call Number

16-1518

Agenda Item Number

41

Date September 12, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM CENTRAL IOWA FENCING, LTD. TO REZONE PROPERTY LOCATED AT 1820 EAST ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2016, its members voted 8-0 in support of a motion to recommend APPROVAL of a request from Central Iowa Fencing, Ltd. (purchaser), represented by Mark A. Dunahoo (officer), to rezone property located at 1820 East Army Post Road ("Property") from "C-2" General Retail and Highway Oriented Commercial District to Limited "M-1" Light Industrial District, to allow for reuse for a fencing contractor business with retail, office and outdoor storage components, subject to the following conditions:

- 1. Permitted uses on the Property shall be limited to the following:
a) Uses as permitted in the "C-2" District, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity; and
b) Fencing contractor business with retail, office and outdoor storage components.
2. Any outdoor storage on the Property shall comply with the following requirements:
a) Any outdoor storage shall be located to the north (rear) of the structure.
b) Any outdoor storage shall be screened from view with fencing of a height and material acceptable to the Planning Administrator, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
3. Prior to issuance of any Certificate of Occupancy for the Property, the Property shall be brought into conformance with a Site Plan as reviewed and approved by the City's Permit and Development Center.
4. Any development of the Property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District; and

WHEREAS, the Property to be rezoned is legally described as follows:

Lot 41 in NEW HOPE, an Official Plat, except commencing at the Southwest corner of Lot 41 in NEW HOPE; thence North 33.3 feet along the West line of Lot 41; thence Easterly to a point on the East line of Lot 41; 30.8 feet North of the Southeast Corner of Lot 41; thence South 30.8 feet along the East line of Lot 41 to the Southeastern Corner of Lot 41; thence West to the point of beginning, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all easements, covenants, and restrictions of record.

(continued)



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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 at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 26, 2016, 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:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00155)

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
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