



Roll Call Number

16-1652

Agenda Item Number

58

Date September 26, 2016

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

WHEREAS, on September 12, 2016, by Roll Call No. 16-1518, the City Council received a communication from the City Plan and Zoning Commission advising 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, 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

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 1820 East Army Post Road, legally described as:

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

(continued)

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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.

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 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 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	6			1

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