



Roll Call Number

16-1899

Agenda Item Number

18

Date November 7, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM
KENNETH DEEVER TO REZONE PROPERTY LOCATED AT
245 AND 247 EAST 19TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2016, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Kenneth Deever (owner) to rezone property located at 245 and 247 East 19th Street ("Property") from "R1-60" One-Family Low-Density Residential District to "M-1" Light Industrial District, to allow for development and use for outside contractor storage yard and warehouse, 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, but prohibiting adult entertainment businesses, vehicle display lots, taverns or nightclubs, liquor stores, off-premises advertising signs, pawn brokers, and delayed deposit services.
 - b) Contractor business with office, warehouse and outdoor storage components.
2. Any outdoor storage on the Property shall comply with the following requirements:
 - a) Outdoor storage shall be designed to prohibit any stored material, vehicles or equipment from encroaching into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
 - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential ("R") district, and shall be set back a minimum of 25 feet from any adjoining streets and alleys; and, shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in Chapter 82.
 - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as 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.
 - d) Outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by section 134-3 is prohibited.
3. Issuance of a Certificate of Occupancy by the Permit and Development Center for the existing 4,000 square foot shop/warehouse building on the Property is required.
4. The outside storage or expansion of the contractor business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
5. Any development of the Property under a Site Plan 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:



Roll Call Number

16-1899

Agenda Item Number

18

Date November 7, 2016

-2-

The North ¼ of Lot 20 (except the West 15 feet) and the West 158 feet of the South ¾ of Lot 19 (except the west 15 feet) of the Official Plat of the N/E ¼ Section 2, Township 78 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 November 21, 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 Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2016-00178)

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