



Roll Call Number

16-2029

Agenda Item Number

50B

Date November 21, 2016

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

**WHEREAS**, on November 7, 2016, by Roll Call No. 16-1899 the City Council received a communication from the City Plan and Zoning Commission advising 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 Limited "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**, on November 7, 2016, by Roll Call No. 16-1899, it was duly resolved by the City Council that the application from Kenneth Deever to rezone the Property be set down for hearing on November 21, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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

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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 245 and 247 E. 19th Street, legally described as:

The North 1/4 of Lot 20 (except the West 15 feet) and the West 158 feet of the South 3/4 of Lot 19 (except the west 15 feet) of the Official Plat of the N/E 1/4 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

to Limited "M-1" Light Industrial District, to allow for development and use for outside contractor storage yard and warehouse, 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

(ZON2016-00178)

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