



**Roll Call Number**

17-0187

**Agenda Item Number**

21

**Date** February 6, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM  
COMMERCIAL BAG & TEXTILE, INC. TO REZONE PROPERTY  
LOCATED AT 1244 2ND AVENUE**

**WHEREAS**, on July 27, 2015, by Roll Call No. 15-1301, the City Council approved Ordinance No. 15,392 rezoning a portion of the real property located at 1244 2<sup>nd</sup> Avenue ("Property") to Limited "M-1" Light Industrial District with conditions including the requirement that newly proposed buildings on the Property be constructed primarily of masonry block material; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Commercial Bag & Textile, Inc. (owner), represented by Julie Bassman (officer), to rezone the Property to eliminate the above-stated rezoning condition to allow the owner to retain buildings constructed on the Property after passage of Ordinance No. 15,392 inadvertently without masonry block material, and to revise the zoning conditions of the existing Limited "M-1" Light Industrial District as follows:

1. The following uses shall be prohibited on the Property:
  - a) Adult entertainment establishments;
  - b) Billiard parlor/game room;
  - c) Communication tower/antenna (unless as an extension of 20 feet or less from the structure);
  - d) Delayed deposit services;
  - e) Pawn brokers;
  - f) Gas stations/convenience stores;
  - g) Off-premises advertising signs;
  - h) Liquor stores where gross revenues of tobacco and alcohol products exceed 40%;
  - i) Taverns and nightclubs;
  - j) Contractors equipment storage yard;
  - k) Outdoor storage;
  - l) Vehicle display for sale or rental;
  - m) Circus, carnival, or similar enterprise;
  - n) Coalyard, cokeyard, or woodyard;
  - o) Concrete mixing or concrete products manufacture;
  - p) Bulk storage of flammable liquids;
  - q) Communication towers and antennas; and
  - r) Livery stable or riding academy.
2. The building height of any structure on the Property shall be limited to a maximum of 35 feet.
3. Any further expansion of existing buildings or construction of new buildings on the Property shall be constructed primarily of masonry block material compatible with the buildings existing as of the effective date of this ordinance. Storefronts oriented toward 2nd Avenue may have brick or lap siding material; and

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

LOTS 143 THROUGH 147 AND A PART OF LOTS 141, 142 AND 148 AND A PART OF THE ALLEYS LYING ADJACENT TO THE PREVIOUSLY STATED LOTS IN RUTHERFURD HEIGHTS, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE



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CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 145; THENCE SOUTH 00°26'23" EAST ALONG THE EAST LINE OF SAID LOTS 145, 146, 147 AND 148, A DISTANCE OF 162.99 FEET; THENCE SOUTH 89°49'21" WEST, 72.32 FEET; THENCE SOUTH 00°00'25" EAST, 28.40 FEET; THENCE SOUTH 89°49'21" WEST, 203.04 FEET TO THE EAST LINE OF LOT 139, RUTHERFURD HEIGHTS; THENCE NORTH 00°36'35" WEST ALONG THE EAST LINE OF LOTS 139 AND 138, RUTHERFORD HEIGHTS, 58.47 FEET TO THE NORTHEAST CORNER OF LOT 138, RUTHERFURD HEIGHTS; THENCE NORTH 00°13'59" EAST ALONG THE EAST LINE OF LOTS 137, 136 AND 135, RUTHERFURD HEIGHTS, 134.31 FEET TO THE NORTHEAST CORNER OF LOT 135, RUTHERFURD HEIGHTS; THENCE SOUTH 89°53'17" EAST ALONG THE NORTH LINE OF ALLEY AND LOTS 143, 144 AND 145, RUTHERFURD HEIGHTS, 274.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 50,801 SQUARE FEET.

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 February 20, 2017, 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.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY Hensley TO ADOPT.

(ZON2016-00219)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7).

MOTION CARRIED APPROVED T. M. Franklin Council 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