



Roll Call Number

17-0584

Agenda Item Number

19

Date April 3, 2017

RESOLUTION SETTING HEARING ON REQUEST FROM EXTREME AUTO PLAZA, INC. TO REZONE PROPERTY LOCATED AT 1453 EAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 16, 2017, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from Extreme Auto Plaza, Inc. (owner), represented by Paul Moyer (officer), to rezone the paved portion of the real property located at 1453 East 14th Street ("Property") from Limited "C-2" General Retail and Highway-Oriented Commercial District and "R-2A" General Residential District to amended Limited "C-2" General Retail and Highway-Oriented Commercial District to allow future expansion of the existing vehicle display lot and sales of new vehicles and small trailers, subject to the following conditions:

- 1. Use of the Property shall be limited to uses permitted in the "C-1" Neighborhood Retail Commercial District, and sales of new small trailers and new or used vehicles;
2. Any expansion of display area upon the Property shall be in accordance with a Site Plan under vehicle display lot design guidelines reviewed by the Plan and Zoning Commission;
3. Any reuse or expansion of another commercial use of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center; and
4. Any Site Plan for the property shall be brought into conformance and 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:

Beginning at the Northwest corner of Lot 228 in ASHBROOK, an Official Plat, recorded in Book I, Page 157, Polk County, Iowa; thence South 00°12'08" West along the west line of said Lot 228, a distance of 280.33 feet; thence South 89°59'16" West, a distance of 39.22 feet; thence South 00°02'05" West, a distance of 11.57 feet; thence South 89°44'03" West, a distance of 106.64 feet; thence South 00°00'58" West, a distance of 25.36 feet; thence South 89°44'03" West, a distance of 72.15 feet; thence North 00°13'17" West, a distance of 308.21 feet; thence North 44°54'14" East, a distance of 14.11 feet; thence South 89°58'16" East along the south right of way line of East Washington Avenue, a distance of 210.24 feet to the Point of Beginning. Containing 1.50 ACRES, more or less.

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

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Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on April 17, 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.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

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

(ZON2017-00011)

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