

★ Roll Call Number

17-0611

Agenda Item Number

42

Date April 3, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM ROLL-OFFS OF DES MOINES
TO REZONE PROPERTY LOCATED IN THE VICINITY OF
20 EAST 18TH STREET**

WHEREAS, on March 20, 2017, by Roll Call No. 17-0476, the City Council received communication from the City Plan and Zoning Commission advising that at a public hearing held on March 2, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Roll-Offs of Des Moines (owner), represented by Anthony Holt (officer), to rezone property located in the vicinity of 20 East 18th Street ("Property") from Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial District to allow expansion of the permitted uses from outdoor storage of inoperable machinery to include outdoor storage and sorting of recycled waste materials within roll-off containers and dismantling of vehicles and machinery, subject to the following conditions:

1. Use of the Property shall be limited to the following:
 - a. Any use as permitted and limited in the M-1 District.
 - b. Any of the following uses so long as they are in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment:
 - i. Storage of inoperable machinery and/or equipment, such as forklifts, trucks, and automobiles.
 - ii. Dismantling of equipment, such as forklifts, trucks, and automobiles.
 - iii. Recycling (including sorting and transferring) of waste materials, such as metals, wood, shingles, cardboard, and paper.
2. Any area used for outdoor storage of inoperable machinery, dismantling of equipment, or recycling of waste materials shall be completely screened from view and shall be setback at least 100 feet from any public right-of-way; 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 20 East 18th Street, legally described as:

LOTS 1 THROUGH 8 AND LOTS 15 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION, AN OFFICIAL PLAT, AND THE VACATED EAST-WEST ALLEY LYING NORTH AND ADJOINING LOTS 17 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial District to allow expansion of the permitted uses from outdoor storage of inoperable machinery to include outdoor storage and sorting of recycled waste materials within roll-off containers and dismantling of vehicles and machinery, 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.

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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 amended Limited "M-2" Heavy Industrial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to amended Limited "M-2" Heavy Industrial District with conditions as set forth above, is hereby found to be in conformance with the existing PlanDSM: Creating Our Tomorrow plan and is 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

(ZON2017-00010)

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