



Roll Call Number

Agenda Item Number

17-1022

61

Date June 12, 2017

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

WHEREAS, on April 3, 2017, by Roll Call No. 17-0584, the City Council received a communication from the City Plan and Zoning Commission advising 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 conditions; and

WHEREAS, on April 3, 2017, by Roll Call No. 17-0584, it was duly resolved by the City Council that the application of Extreme Auto Plaza, Inc. to rezone the Property, legally described as follows, be set down for hearing on April 17, 2017 at 5:00 p.m. in the Council Chamber at the Municipal Services Center:

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; 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, on April 17, 2017, by Roll Call No. 17-0706, and on May 8, 2017, by Roll Call No. 17-0826, said hearing was opened and continued to provide additional time to the applicant for consideration of the applicable conditions; and

WHEREAS, on May 22, 2017, by Roll Call No. 17-0907, said hearing was again opened and continued in order for the Legal Department to prepare an Ordinance and Acceptance of Rezoning Ordinance, for execution by Extreme Auto Plaza, Inc. and all other owners of the Property, containing Condition #1 in the Plan and Zoning Commission's communication and conditions regarding screening and buffer easement requirements for parking areas on the east side of the Property; and

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WHEREAS, a further continuance is needed to allow the proposed purchaser of the Property an opportunity to evaluate the conditions resulting from Roll Call No. 17-0907.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing regarding rezoning of the 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 is hereby opened and continued to June 26, 2017 at 5:00 p.m. at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.

MOVED BY Westergaard 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