



Roll Call Number

17-1115

Agenda Item Number

57

Date June 26, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM ARNOLD DEWITT TO REZONE PROPERTY LOCATED IN THE VICINITY OF 3917 MAHASKA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 18, 2017, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Arnold DeWitt (owner) to rezone property located in the vicinity of 3917 Mahaska Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mini-warehouse complex, subject to the following conditions:

- 1. Only the uses of structures or land listed below shall be permitted upon the Property:
a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
b. The remaining sides of any building shall be in earth-tone colors.
c. No storage units shall have doors facing towards Mahaska Avenue.
d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
e. No storage units within the easternmost building on the site shall have doors facing toward the east.
f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
g. There shall be no signs other than internal directional signs on the Property.
h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue.
i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property.
j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
k. No surface water shall be released onto any adjoining residential property.
l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.
o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet; and

WHEREAS, on June 12, 2017, by Roll Call No. 17-0973, it was duly resolved by the City Council that the application of Arnold DeWitt (owner) to rezone the Property, as legally described below, be set down for hearing on June 26, 2017 at 5:00 p.m. in the Council Chambers 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 in the vicinity of 3917 Mahaska Avenue, legally described as:

LOTS 101, 102, AND 103, BROADACRE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mini-warehouse complex, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owners of the Property, which is binding upon the owners and their 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 "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00055)

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

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 (Signature)

City Clerk

T. M. Franklin Council Mayor