

★ Roll Call Number

17-1239

Agenda Item Number

27

Date July 24, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM ASA, LLC TO  
REZONE PROPERTY AT 1501 KEOSAUQUA WAY AND 1157 15TH STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2017, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from ASA, LLC d/b/a Action Auto Body (owner), represented by Chad Ogle, to rezone property locally known as 1501 Keosauqua Way and 1157 15th Street (collectively "Property") from "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District, subject to the following conditions:

1. Use of the Property shall be limited to uses permitted in "C-2" Districts, auto-body repair shop, and warehouse; and the following uses are prohibited:
  - a) Adult entertainment businesses,
  - b) Auction businesses,
  - c) Automobile establishments for display, hire, rental, and sales,
  - d) Delayed deposit services,
  - e) Liquor stores,
  - f) Off-premises advertising signs,
  - g) Pawnbrokers,
  - h) Taverns and nightclubs, and
  - i) Tobacco stores.
2. Any auto-body repair shop or addition on the Property shall comply with all applicable Building and Fire Codes as well as Site Plan requirements, and with issuance of all necessary permits by the City's Permit and Development Center.
3. Any auto-body repair shop on the Property shall provide a minimum 4-foot tall brick, decorative block, or stone wainscot along the entire south and west building facades exclusive of door openings.
4. Any paint spray booth on the Property shall be of a waterborne, non-flammable technology; and

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

Lots 27, 30, 31, & 32, and (Except the North 20 feet of the West 42.5 feet) Lots 34 & 35, Block 2, NORTHWESTERN HEIGHTS, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

**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.

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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 August 14, 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

(ZON2017-00083)

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