



Roll Call Number

17. 1240

Agenda Item Number

28

Date July 24, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
BRIAN JOHNSON TO REZONE PROPERTY LOCATED AT 1916 DEAN AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Brian Johnson (owner) to rezone property located at 1916 Dean Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow the split-zoned Property to be used legally for the owner's existing roofing contractor business, subject to the following conditions:

1. The following shall be prohibited as permitted uses on the Property:
 - a) adult entertainment businesses,
 - b) vehicle display lots,
 - c) taverns or nightclubs,
 - d) liquor stores,
 - e) off-premises advertising signs,
 - f) pawn brokers, and
 - g) delayed deposit services.
2. Any outdoor storage on the Property shall comply with the following requirements:
 - a) Shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
 - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential (R) district; shall be set back a minimum of 25 feet from any adjoining streets and alleys; and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in the Des Moines Municipal Code.
 - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
 - d) No outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by City Code Section 134-3.
3. The outside storage or expansion of the existing business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any development of the Property under a Site Plan shall 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:

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-2-

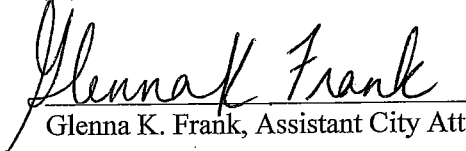
(Except the South 206 feet) The West 148.25 feet of Lot 21 of the OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 2 - TOWNSHIP 78 - RANGE 24, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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.
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:

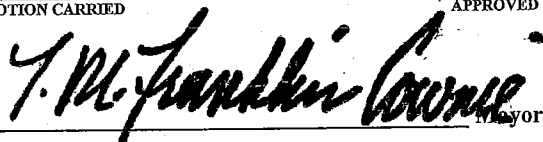

Glenna K. Frank, Assistant City Attorney

(ZON2017-00102)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
TOTAL	7			

MOTION CARRIED

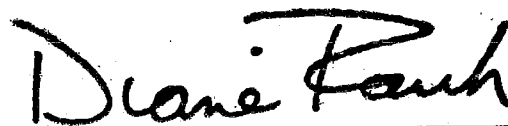
APPROVED


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.



City Clerk