



Roll Call Number

17-1422

Agenda Item Number

66B

Date August 14, 2017

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

WHEREAS, on July 24, 2017, by Roll Call No. 17-1239, the City Council received a communication from the City Plan and Zoning Commission advising 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, to allow the existing auto body repair operation to expand on the Property, 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, on July 24, 2017, by Roll Call No. 17-1239, it was duly resolved by the City Council that the application of ASA, LLC to rezone the Property, as legally described below, be set down for hearing on August 14, 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

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 1501 Keosauqua Way and 1157 15th Street, legally described as:



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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

from "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District, to allow the existing auto body repair operation to expand on the Property, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) 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 "M-1" Light Industrial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "M-1" Light Industrial 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 Hensley TO ADOPT. and to receive and file document.

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