



Roll Call Number

17-1504

Agenda Item Number

54 B

Date August 28, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM SCRAP PROCESSORS, INC. TO REZONE PROPERTY AT 804 SOUTHEAST 30TH STREET

WHEREAS, on August 14, 2017, by Roll Call No. 17-1363, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 3, 2017, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Scrap Processors, Inc. (purchaser), represented by David Silverstein and Don and Sandra Davidson (owners), to rezone property at 804 Southeast 30th Street ("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 on the southern portion and Limited "M-2" Heavy Industrial District on the northern portion, to allow the northern portion of the Property to be redeveloped for a metal salvage and recycling operation, subject to the following conditions:

1. The following uses of the property shall be prohibited:
 - a. Adult entertainment businesses.
 - c. Taverns or nightclubs.
 - d. Liquor stores.
 - e. Off-premises advertising signs.
 - f. Pawn brokers.
 - g. Delayed deposit services.
2. Any buildings constructed along the public street sides of the Property should meet the following requirements:
 - a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
 - b. Any use of metal exterior material on any façade shall have minimum 22 gauge thickness with no exposed fasteners.
 - c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
 - d. Any overhead doors shall not be oriented toward a public street.
3. Any redevelopment of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any Site Plan for the Property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District; and

WHEREAS, on August 14, 2017, by Roll Call No. 17-1363, it was duly resolved by the City Council that the application of Scrap Processors, Inc. to rezone the Property, as legally described below, be set down for hearing on August 28, 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 locally known as 804 Southeast 30th Street, legally described as:

Northern Portion – Limited “M-2”, Scrap Processors of Iowa:

A part of Lots 1,2 and 3 of Fredregill, an Official Plat, all being in and forming a part of the City of Des Moines, Polk County , Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 635.46 feet; THENCE South 89°40'12" West a distance of 685.31 feet to a point on the western line of said Lot 2; THENCE North 00°19'48" West along the west line of said Lots 1 and 2, a distance of 411.65 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of 102.50 feet; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 9.00 acres of land, more or less.

Southern Portion – Limited “M-1”, Davidson Parcel:

A part of Lots 1,2 and 3 of Fredregill, an Official Plat, all being in and forming a part of the City of Des Moines, Polk County , Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 1,294.37 feet to a point on the Northerly Right-of-Way line of MLK Parkway; THENCE North 80°08'56" West along said Northerly Right of Way, a distance of 57.68 feet; THENCE South 00°15'20" East along said Northerly Right of Way, a distance of 12.34 feet; THENCE North 83°17'39" West along said Northerly Right of Way, a distance of 141.28 feet; THENCE North 68°40'46" West along said Northerly Right of Way, a distance of 523.81 feet to a point on the Westerly line of Lot 2 of Fredregill; THENCE North 00°19'48" West a distance of 862.14 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of 102.50 feet to a point for corner; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 18.069 acres of land, more or less

EXCEPT

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 635.46 feet; THENCE South 89°40'12" West a distance of 685.31 feet to a point on the western line of said Lot 2; THENCE North 00°19'48" West along the west line of said Lots 1 and 2, a distance of 411.65 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of

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102.50 feet; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 9.00 acres of land, more or less

from "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District on the southern portion and Limited "M-2" Heavy Industrial District on the northern portion, to allow the northern portion of the Property to be redeveloped for a metal salvage and recycling operation, 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 "M-1" Light Industrial District on the southern portion and Limited "M-2" Heavy Industrial District on the northern portion, 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 on the southern portion and Limited "M-2" Heavy Industrial District on the northern portion, with conditions as set forth above, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan, and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2017-00108)

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