



Roll Call Number

18-1186

Agenda Item Number

44

Date July 9, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM WALDINGER CORPORATION TO REZONE PROPERTY IN THE 4701 BLOCK OF SOUTHWEST 63RD STREET

WHEREAS, on June 25, 2018, by Roll Call No. 18-1070, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 7, 2018, its members voted 10-0-1 in support of a motion to recommend APPROVAL of a request from Waldinger Corporation (purchaser), represented by Guy Gast (officer), to rezone property located in the 4701 Block of Southwest 63rd Street ("Property") from Limited "C-2" General Retail and Highway-Oriented Commercial District to Limited "M-1" Light Industrial District, to allow the development of the Property for the headquarters and warehouse/distribution center for a mechanical, electrical and sheetmetal contractor, subject to the following rezoning conditions:

- 1. Overhead doors shall not face Iowa Highway 28 or any residentially developed property unless screened by another building or by earthen berms and landscaping materials.
2. Provision of landscaping in accordance with the City's standards for "C-2" Districts.
3. No portion of the property within 50 feet of the public Rights-Of-Way or adjoining residentially zoned property may be used for the outside storage of materials, trailers or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from public street views and residential development by an architectural screening panel system or fencing/landscaping as approved by the Commission or Planning Administrator.
4. The public street facades of any building or portion thereof located within the Property which is not blocked from view by other structures or landscaping shall be construed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other durable materials. No Exterior Insulations and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
5. Compliance with all recommendations of the traffic study as part of any submitted subdivision or site plan.
6. Any site plan for development shall be reviewed by the Plan and Zoning Commission; and

WHEREAS, on June 25, 2018, by Roll Call No. 18-1070, it was duly resolved by the City Council that the application of Waldinger Corporation to rezone the Property, as legally described below, be set down for hearing on July 9, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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

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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 the 4701 Block of Southwest 63rd Street, legally described as:

OUTLOTS X AND Y IN AIRPORT INDUSTRIAL PARK PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY

from "Limited "C-2" General Retail and Highway-Oriented Commercial District to Limited "M-1" Light Industrial District, to allow the development of the Property for the headquarters and warehouse/distribution center for a mechanical, electrical and sheetmetal contractor, 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 Mandelbaum TO ADOPT.

FORM APPROVED:

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

(ZON2018-00082)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED 7 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