



Roll Call Number

19-0225

Agenda Item Number

37B

Date February 11, 2019

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST
TO REZONE PROPERTY LOCATED AT 3500 VANDALIA ROAD**

WHEREAS, on January 28, 2019, by Roll Call No. 19-0136 the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone property located at 3500 Vandalia Road ("Property") from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow development by a proposed developer and purchaser of the Property with a steel fabrication plant fronting on Southeast 36th Street with outdoor storage and fabrication of materials and finished products, subject to the following condition:

1. Landscaping within 200 feet of Southeast 36th Street and Vandalia Road rights-of-way in accordance with the City's standards for "C-2" Districts shall be provided by developer at such time as development occurs within 200 feet of the applicable corridor. Should the City's landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed; and

WHEREAS, on January 28, 2019, by Roll Call No. 19-0136, it was duly resolved by the City Council that the City-initiated request to rezone the Property, as legally described below, be set down for hearing on February 11, 2019 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

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 3500 Vandalia Road, legally described as:

A PART OF LOTS B, D, 72 AND 81, AND ALL OF LOT A, AND ALL OF LOTS 67 THROUGH 71, AND ALL OF LOTS 82 THROUGH 102, ALL IN VANDALIA ACRES PLAT NO. 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT E IN SAID VANDALIA ACRES PLAT NO. 2, SAID NORTHWEST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT A IN SAID VANDALIA ACRES PLAT NO. 2, AND SAID LOT A ALSO BEING VACATED SOUTHEAST 34TH STREET RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE NORTH ALONG THE WEST LINE OF SAID LOT A TO THE NORTHWEST CORNER OF SAID LOT A, SAID NORTHWEST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT D IN SAID VANDALIA ACRES PLAT NO. 2 AND SAID LOT D ALSO BEING VACATED EAST GRANGER AVENUE RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT D TO THE NORTH LINE OF SAID LOT D; THENCE EAST ALONG THE NORTH LINE OF SAID LOT D TO THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION AND ALONG THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 36TH STREET, A DISTANCE OF 711 FEET; THENCE WESTERLY ALONG A LINE



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PARALLEL WITH THE NORTH LINE OF SAID LOT D TO THE WEST LINE OF LOT B IN SAID VANDALIA ACRES PLAT NO. 2, SAID LOT B ALSO BEING THE VACATED SOUTHEAST 35TH STREET RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE SOUTH ALONG SAID WEST LINE OF SAID LOT B TO THE NORTH LINE OF SAID LOT E; THENCE WEST ALONG SAID NORTH LINE OF SAID LOT E TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 29.85 ACRES (1,300,095 SQUARE FEET)

from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow development by a proposed developer and purchaser of the Property with a steel fabrication plant fronting on Southeast 36th Street with outdoor storage and fabrication of materials and finished products, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the proposed purchaser of the Property, PDM Precast, Inc., which is binding upon said proposed purchaser and its 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-2" Heavy 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-2" Heavy 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.
3. The City of Des Moines, as current owner of the Property, hereby agrees to and accepts the above-stated rezoning conditions on the Property.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00252)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

J.M. Frankin Cownie Mayor

Diane Rauh City Clerk