



Roll Call Number

19-0586

Agenda Item Number

45

Date April 8, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM AMT ASSOCIATES, LLC TO REZONE PROPERTY LOCATED AT 1315 EAST BROADWAY AVENUE

WHEREAS, on March 25, 2019, by Roll Call No. 19-0469, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on March 7, 2019, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from AMT Associates, LLC (owner), represented by Lance Arrasmith (officer), to rezone property located at 1315 East Broadway Avenue ("Property") from Limited "M-1" Light Industrial District to amended Limited "M-1" Light Industrial District, to remove the existing zoning condition requiring opaque wood or masonry fencing and allow reuse of the existing chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage associated with the existing building on the Property, subject to the following conditions in addition to the zoning conditions imposed by Ordinance No. 14,573:

- 1. The use of chain link fencing with slats shall be limited to the Property;
2. The new outside storage area shall remain at the rear of the building on the Property;
3. The new outside storage area shall remain the same size as the original outdoor storage area on the Property; and
4. The new outside storage area may utilize the chain-link fencing and slats that surrounded the original outdoor storage area on the Property but shall incorporate new posts; and

WHEREAS, on March 25, 2019, by Roll Call No. 19-0469, it was duly resolved by the City Council that the application of AMT Associates, LLC to rezone the Property, as legally described below, be set down for hearing on April 8, 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 1315 East Broadway Avenue, legally described as:

LOT 9 VISTA BROADWAY INDUSTRIAL PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from Limited "M-1" Light Industrial District to amended Limited "M-1" Light Industrial District, to remove the existing zoning condition requiring opaque wood or masonry fencing and allow reuse of the existing chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage associated with the existing building on the Property, subject to the conditions stated above as agreed to and accepted by execution

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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 amended Limited "M-1" Light Industrial District with conditions as set forth above in addition to the zoning conditions imposed by Ordinance No. 14,573, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to amended Limited "M-1" Light Industrial District with conditions as set forth above in addition to the zoning conditions imposed by Ordinance No. 14,573, 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 Westergaard TO ADOPT.

FORM APPROVED:

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

(ZON2018-254)

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

MOTION CARRIED

APPROVED

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. Franke Cownie Mayor

Diane Rauh City Clerk