



Roll Call Number

19-0590

Agenda Item Number

46B

Date April 8, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM
DDX WORLDWIDE CARGO, INC. TO REZONE PROPERTY
LOCATED AT 2017 CAPITOL AVENUE**

WHEREAS, on March 25, 2019, by Roll Call No. 19-0468, the City Council received a communication from the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2019, its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from DDX Worldwide Cargo, Inc. (owner), represented by Juan Guaman (officer), to rezone property located at 2017 Capitol Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow expansion of the existing warehouse and distribution center use in operation at the adjoining business located at 2000 East Walnut Street, subject to the following conditions:

1. No buildings shall be constructed on the Property.
2. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the Property.
3. Any off-street parking area on the Property shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
4. Any outside storage on the Property not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free surface.
5. Any use of the Property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to "C-2" Districts.
6. Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property; and

WHEREAS, on March 25, 2019, by Roll Call No. 19-0468, it was duly resolved by the City Council that the application of DDX Worldwide Cargo, Inc. 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 2017 Capitol Avenue, legally described as:

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LOTS 112 AND 113 TIMMONS PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow expansion of the existing warehouse and distribution center use in operation at the adjoining business located at 2000 East Walnut Street, 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 Gatto 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.

M. Franklin Cownie Mayor

Diane Rauh City Clerk