



★ Roll Call Number
19-1490

Agenda Item Number
21-II

Date September 23, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
IOWA FIREWORKS COMPANY, LLC TO REZONE PROPERTY LOCATED AT
1820 EAST ARMY POST ROAD**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2019, its members voted 10-1 in support of a motion to recommend **DENIAL** of a request from Iowa Fireworks Company, LLC (purchaser), represented by Jeremiah Terhark (officer), to rezone property located at 1820 East Army Post Road (“Property”) and add zoning conditions permitting as principal uses the sale and warehousing of consumer fireworks in the existing Limited “M-1” Light Industrial District, to allow for the Property to be occupied by a business involving the sale and storage of fireworks; and

WHEREAS, the Property is legally described as follows:

LOT 41 IN NEW HOPE, AN OFFICIAL PLAT, EXCEPT COMMENCING AT THE SOUTHWEST CORNER OF LOT 41 IN NEW HOPE; THENCE NORTH 33.3 FEET ALONG THE WEST LINE OF LOT 41; THENCE EASTERLY TO A POINT ON THE EAST LINE OF LOT 41; 30.8 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 41; THENCE SOUTH 30.8 FEET ALONG THE EAST LINE OF LOT 41 TO THE SOUTHEASTERN CORNER OF LOT 41; THENCE WEST TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SUBJECT TO ALL EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 14, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

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19-149D

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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2019-00151)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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