



Roll Call Number

19-1783

Agenda Item Number

66

Date November 4, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM MYER, LLC TO REZONE PROPERTY LOCATED AT 650 SOUTHEAST 30TH STREET

WHEREAS, on October 14, 2019, by Roll Call No. 19-1593, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 19, 2019, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Myer, LLC (owner), represented by David Silverstein (officer), to rezone property located at 650 Southeast 30th Street ("Property") from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow for expansion of the existing scrap yard for outdoor storage that is being displaced by the City's stormwater basin on the northern portion of the site, subject to the following conditions:

- 1. The following uses of the property shall be prohibited:
a. Adult entertainment businesses.
b. Taverns or nightclubs.
c. Liquor stores.
d. Off-premises advertising signs.
e. Pawn brokers.
f. Delayed deposit services.
2. Any buildings constructed along the public street sides of the site should meet the following requirements:
a. On any public street facing facade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
b. Any use of metal exterior material on any facade shall have minimum 22-gauge thickness with no exposed fasteners.
c. Any facade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
d. Any overhead doors shall not be oriented toward a public street.
3. Any redevelopment of the property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any Site Plan for the property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway-Oriented Commercial District; and

WHEREAS, on October 14, 2019, by Roll Call No. 19-1593, it was duly resolved by the City Council that the application from Myer, LLC to rezone the Property be set down for hearing on November 4, 2019 at 5:00 P.M., in the Council Chamber 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 located at 650 Southeast 30th Street, legally described as:



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A PART OF LOTS 2 AND 3 OF FREDREGILL, AN OFFICIAL PLAT, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 OF FREDREGILL; THENCE SOUTH 00°12'13" EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 635.46 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 00°12'13" EAST, A DISTANCE OF 50.00 FEET, ALONG THE EAST LINE OF SAID LOT 3; THENCE SOUTH 89°40'12" WEST, A DISTANCE OF 685.20 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE NORTH 00°19'48" WEST, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE NORTH 89°40'12" WEST, A DISTANCE OF 685.31 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.79 ACRES, MORE OR LESS.

from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow for expansion of the existing scrap yard for outdoor storage that is being displaced by the City's stormwater basin on the northern portion of the site, subject to the conditions set forth above.

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, as legally described above, to Limited "M-2" Heavy Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and 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

(ZON2019-00168)

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

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk