



Roll Call Number

20-0857

Agenda Item Number

47

Date May 18, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM SKYLINE TRUCKING, INC.
TO REZONE PROPERTY LOCATED AT 3220 DIXON STREET**

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on May 4, 2020, by Roll Call No. 20-0749, the City Council received a communication from the Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Skyline Trucking, Inc., represented by Ronald Fadness, to rezone the real property locally known as 3220 Dixon Street (“Property”) from I1 Industrial District to I2 Industrial District, to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use for a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks; and

WHEREAS, on May 4, 2020, by Roll Call No. 20-0749, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on May 18, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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 rezoning; 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 3220 Dixon Street, legally described as:

PARCEL H, OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AS RECORDED IN BOOK 11845, PAGE 280 AND CORRECTED BY AFFIDAVIT RECORDED IN BOOK 13334, PAGE 87 OF THE POLK COUNTY RECORDERS OFFICE. SAID TRACT OF LAND CONTAINS 2.50 ACRES MORE OR LESS

from I1 Industrial District to I2 Industrial District, to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use for a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks.

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 I2 Industrial District are hereby



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overruled, and the hearing is closed.

2. The proposed rezoning of the Property, as legally described above, to I2 Industrial District, 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:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2020-00029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk