



**Roll Call Number**

21-0307

**Agenda Item Number**

43

**Date** February 22, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM HJT, INC., TO REZONE PROPERTY LOCATED AT 2101 DIXON STREET**

**WHEREAS**, on February 8, 2021, by Roll Call No. 21-0188, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from HJT, Inc., (owner), represented by Jack Houghton (officer), to rezone the real property locally known as 2101 Dixon Street (“Property”) from ‘I1’ Industrial District to Limited ‘I2’ Industrial District, to allow the property to be used additionally for the transfer of hazardous and flammable materials, which is defined as a “Fabrication and Production, Intensive” use, subject to the following conditions:

1. Any use of the property shall be limited to those uses permitted in the ‘I1’ Industrial District and Fabrication and Production, Intensive including the temporary transfer of hazardous materials as may be approved as part of a Conditional Use granted by the Zoning Board of Adjustment; and
2. Any use of the building for Fabrication and Production, Intensive including the temporary transfer of hazardous materials shall be limited to the south 170 feet of the existing building; and

**WHEREAS**, on February 8, 2021, by Roll Call No. 21-0188, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on February 22, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 2101 Dixon Street, legally described as:

LOTS 1 THROUGH 8 AND 18 THROUGH 24, BLOCK 22, T.E. BROWN’S OFFICIAL PLAT OF THE NORTHEAST ¼ (EXCEPT THE NORTHEAST 40 ACRES OF THE SAME), SECTION 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AND PART OF VACATED DIXON COURT, AND PART OF VACATED EAST 18<sup>TH</sup> STREET, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 00°02’30” EAST ALONG THE WEST LINE OF SAID LOT 24, A DISTANCE OF 34.28 FEET; THENCE NORTHWESTERLY ALONG A 324.00 FOOT RADIUS CURVE, CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 26°43’43”, A CHORD DISTANCE OF 149.78 FEET; A CHORD BEARING OF NORTH 13°15’59” WEST FOR AN ARC DISTANCE OF 151.15 FEET; THENCE NORTH 00°02’30” EAST, 169.88 FEET; THENCE NORTH 89°54’08” EAST ALONG SAID NORTH LINE OF SAID LOT 18 EXTENDED, 149.80 FEET TO THE NORTHEAST CORNER



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OF SAID LOT 18; THENCE NORTH 00°00'37" WEST ALONG THE WEST LINE OF LOT 8, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 00°54'08" EAST ALONG THE WEST LINE OF SAID VACATED EAST 18TH STREET, 121.00 FEET; THENCE NORTH 89°52'11" EAST, 50.00 FEET TO THE EAST LINE OF SAID VACATED EAST 18TH STREET; THENCE SOUTH 00°03'41" EAST ALONG SAID EAST LINE 279.02 FEET TO THE PRESENT NORTH RIGHT-OF-WAY OF THOMPSON AVENUE; THENCE SOUTH 89°52'11" WEST ALONG THE NORTH RIGHT-OF-WAY LINE 25.00 FEET; THENCE SOUTH 89°54'08" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 256.28 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 108,044 SQUARE FEET OF 2.48 ACRES.

to Limited 'I2' Industrial District, 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 rezoning of the Property to Limited 'I2' Industrial Use District subject to the conditions set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited 'I2' Industrial District subject to the condition that any permitted accessory outside storage occur outside of the front yard or street side yards of the site, 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: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(ZON2020-00156)

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

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk