



Roll Call Number

22-1252

Agenda Item Number

34

Date August 8, 2022

**RESOLUTION SETTING HEARING ON REQUEST FROM ROLL-OFFS OF DES MOINES, INC. REGARDING PROPERTY LOCATED IN THE VICINITY OF 20 E. 18<sup>TH</sup> STREET TO REZONE THE PROPERTY FROM "I2" INDUSTRIAL DISTRICT TO LIMITED "I2" INDUSTRIAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 19, 2022, its members voted 10-1-1 in support of a motion to recommend **APPROVAL** of a request from Roll-Offs of Des Moines, Inc. (Owner), represented by Anthony Holt (Officer), Tony Holt (Owner), Gregory S. Holt (Owner), and 1150 Highway 5 Pleasantville IA, LLC (Owner), represented by Anthony Holt (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of 20 E. 18<sup>th</sup> Street from Low-Density Residential to Industrial; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 19, 2022, its members voted 10-1-1 in support of a motion to recommend **APPROVAL** of a request from Roll-Offs of Des Moines, Inc. (Owner), represented by Anthony Holt (Officer), Tony Holt (Owner), Gregory S. Holt (Owner), and 1150 Highway 5 Pleasantville IA, LLC (Owner), represented by Anthony Holt (Officer), to rezone the Property from "N3C" Neighborhood District to Limited "I2" Industrial District, subject to the following conditions:

- 1) Use of the property shall be limited to the following:
  - a) Any use as permitted and limited in the I1 District.
  - b) The storage of empty dumpsters associated with a legally established use located at the property currently addressed as 20 East 18<sup>th</sup> Street (District/Parcel 040/06209-000-000).
  - c) The parcels currently addressed as 1649 East Court Ave (District/Parcel 040/06218-000-000) and 1708 East Vine Street (District/Parcel 040/06223-000-000), and the interviewing alley right-of-way if vacated and assembled into the site, may be used for any use as permitted and limited in the I2 District.
  - d) If vacated and assembled into the site, the East Vine Street right-of-way that adjoins the parcel currently addressed as 20 East 18<sup>th</sup> Street (District/Parcel 040/06209-000-000) and the parcel currently addressed as 1708 East Vine Street (District/Parcel 040/06223-000-000) may be used for any use as permitted and limited in the I2 District.



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- 2) Provision of a 25-foot wide landscape buffer along the East 16<sup>th</sup> Court frontage, from the south edge of the East Court Avenue right-of-way to the south edge of the East Vine Street right-of-way, to the satisfaction of the City’s Planning and Urban Design Administrator, and provision of fencing that complies with Chapter 135 of the Municipal Code at the 25-foot setback to the satisfaction of the City’s Planning and Urban Design Administrator.
- 3) Any use on the property shall be in accordance with an approved site plan.
- 4) A site plan for the property shall be submitted no later than December 31, 2022, and the property owner shall obtain approval no later than March 31, 2023.
- 5) The property shall be brought into conformance with an approved site plan by December 21, 2023.
- 6) Failure to comply with these zoning conditions may result in a City initiated rezoning of the subject property to a less intensive zoning district.

; and

**WHEREAS**, the Property is legally described as follows:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCELS 2018-128 AND 2018-129, BOTH RECORDED IN BOOK 17105, PAGE 811 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

PARCEL 2018-130 AS RECORDED IN BOOK 17105, PAGE 817 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

LOTS 9 THRU 14, BLOCK 1, I. N. THOMAS SUBDIVISION, AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND



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ALL THAT PART OF THE SE. ASTOR STREET PUBLIC ROAD RIGHT-OF-WAY LYING WEST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH STREET PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH COURT PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-129 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST VINE STREET PUBLIC ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJOINING PARCEL 2018-130 LYING WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST-WEST PUBLIC ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12 THRU 14 IN BLOCK 1, I. N. THOMAS SUBDIVISION AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER; and

**WHEREAS**, on June 27, 2022, the City Council of the City of Des Moines held a public hearing regarding the request to rezone the property from "N3c" to "I2" and approved the requested rezoning pursuant to Roll Call number 22-1048; and

**WHEREAS**, Roll Call number 22-1048 and accompanying rezoning ordinances passed in Roll Call number 22-1049 inadvertently omitted the conditions of rezoning imposed by the Plan and Zoning Commission and agreed to by Applicants and should be corrected to include such conditions.



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

- 1. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on August 22, 2022, in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
2. 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.

Moved by Gatto to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHUEMAKER, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED checkboxes.

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Laura Baumgartner City Clerk