



Date August 22, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM ROLL-OFFS OF DES MOINES, INC. ET AL. REGARDING PROPERTY LOCATED IN THE VICINITY OF 20 E. 18TH STREET TO CORRECT REZONING OF THE PROPERTY FROM "I2" INDUSTRIAL DISTRICT TO LIMITED "I2" INDUSTRIAL DISTRICT

WHEREAS, on June 13, 2022, by Roll Call No. 22-0880, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 19, 2022, the City Plan and Zoning Commission voted 10-1-1 in support of a motion finding that the proposed rezoning was inconsistent with PlanDSM future land use map; and

WHEREAS, on May 23, 2022, by Roll Call No. 22-0880, the City Council received a communication from the City Plan and Zoning Commission advising 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. 18th Street from Low-Density Residential to Industrial; and

WHEREAS, on June 13, 2022, by Roll Call No. 22-0880, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on 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 "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 18th 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 intervening 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.



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- d) If vacated and assembled into the site, the East Vine Street right-of-way that adjoins the parcel currently addressed as 20 East 18th 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.
- 2) Provision of a 25-foot-wide landscape buffer along the East 16th 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, on June 13, 2022, by Roll Call No. 22-0880, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on June 27, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

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;



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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

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



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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; and

WHEREAS, on August 8, 2022 by Roll Call number 22-1252, it was duly resolved by the City Council that the request for approval of the proposed rezoning of the Property, legally described above, be set down for hearing on August 22, 2022, at 5:00 P.M.,

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, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from “I2” Industrial District to limited “I2” Industrial District; and

WHEREAS, the owners of the affected property have agreed in writing to the conditions imposed as required by law; 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.

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 from “I2” Industrial District to limited “I2” Industrial District are hereby received and filed, any and all objections to the proposed rezoning of the Property to limited “I2” Industrial District are overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to limited “I2” Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan as amended and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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Moved by Gatto to adopt. Second by Voss

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, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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