

Date March 27, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM WESTCO HULL, LLC (OWNER), REPRESENTED BY DEREK WEST (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 2101 HULL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 11-2-1 in support of a motion to recommend **APPROVAL** of a request from Westco Hull, LLC (owner), represented by Derek West (officer), for the proposed rezoning from "N3a" Neighborhood District and "I1" Industrial District to Limited "I1" Industrial District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 27, 2023, its members voted 11-2-1 in support of a motion to recommend APPROVAL of a request from Westco Hull, LLC (owner), represented by Derek West (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 27, 2023, its members voted 11-2-1 in support of a motion to recommend **APPROVAL** of a request from Westco Hull, LLC (owner), represented by Derek West (officer), to rezone the Property "N3a" Neighborhood District and "I1" Industrial District to Limited "I1" Industrial District to allow use of the property for a use that includes office and industrial components subject to the following condition:

1. Subject to the prohibition of outdoor storage as a principal or accessory use.; and

WHEREAS, the Property is legally described as follows:

LOTS 2, 3, AND 4 PERIN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. ; and

WHEREAS, on March 6, 2023, by Roll Call No. 23-0297, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on March 27, 2023, at 5:00 p.m., at the City Council Chambers; 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.





Date March 27, 2023

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 amendment and rezoning are hereby overruled, and the hearing is closed.
- 2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Industrial is hereby approved.
- 3. The proposed rezoning of the Property, as legally described above, "N3a" Neighborhood District and "I1" Industrial District to "I1" Industrial District to allow use of the property for a use that includes office and industrial components, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

<u>/s/ Chas M. Cahill</u> Chas M. Cahill Assistant City Attorney

(ZONG-2023-000012) (COMP-2023-000010)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					
BOESEN					I, LAURA BAUMGARTNER, City Clerk of said
GATTO					City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the
SHEUMAKER					above date, among other proceedings the above
MANDELBAUM					was adopted.
VOSS					IN MUTNECC MUEDEOF I have have (
WESTERGAARD					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first
TOTAL					above written.
MOTION CARRIED			API	PROVED	
			l	Mayor	City Clerk



March 3, 2023

Communication from the City Plan and Zoning Commission advising that at their March 2, 2023 meeting, the following action was taken regarding a request from Westco Hull, LLC (owner), represented by Derek West (officer), to rezone the property located at 2101 Hull Avenue from "I1" Industrial District and "N3a" Neighborhood District to "I1" Industrial District to allow use of the property for a use that includes office and industrial components.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-2-1 as follows.

Yes	Nays	Pass	Abstain	Absent
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APPROVAL of Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Industrial.

Part C) Approval of the requested rezoning from "N3a" Neighborhood District to "I1" Industrial District, subject to the prohibition of outdoor storage as a principal or accessory use.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Industrial.

Part C) Staff recommends approval of the requested rezoning from "N3a" Neighborhood District to "I1" Industrial District, subject to the prohibition of outdoor storage as a principal or accessory use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The subject property was zoned "M-1" Light Industrial District at the time the existing building began in 2017. Construction of the existing building concluded in early 2019 and was in conformance with the code requirements that existed at that time. The subject property was rezoned to "N3a" Neighborhood District and "I1" Industrial District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019. A new use to store equipment for fire damage, water damage, mold remediation equipment and processing for Servpro is being proposed and requires the requested rezoning for the eastern portion of the subject property from "N3a" Neighborhood District to "I1" Industrial District to "I1" Industrial District.

Should the rezoning request be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use. Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.

- 2. Size of Site: 1.067 acres (46,500 square feet).
- 3. Existing Zoning (site): "N3a" Neighborhood District & "I1" Industrial District.

The eastern portion of the subject property consists of 24,015 square feet zoned "N3a" Neighborhood District. The western portion of the subject property consists of 22,484 square feet zoned "I1" Industrial District.

- **4. Existing Land Use (site):** The subject property contains a 22,650-square foot, twostory office and warehouse building which had previously been used by an after-market automotive parts sales and installation.
- 5. Adjacent Land Use and Zoning:

North – "I1"; Use is warehousing.

- **South** "N3a" & "I1"; Uses are single-household residential and office and warehousing.
- East "N3a"; Use is single-household residential.

West – "I1"; Use is warehousing.

- **6.** General Neighborhood/Area Land Uses: The subject property is located on the southeast corner of the Hull Avenue and Delaware Avenue intersection.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the Fairmont Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on February 10, 2023 and of the Final Agenda on February 24, 2023.

Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2023 (20 days prior to the public hearing) and February 20, 2023 (10 days prior to the public hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Fairmont Parks Neighborhood Association notices were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History: The subject property was rezoned to "N3a" Neighborhood District and "I1" Industrial District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.
- **9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential on the eastern portion of the subject property and Industrial on the western portion of the subject property.
- **10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: PlanDSM Creating Our Tomorrow: The applicant is requesting that the future land use designation for the eastern portion of the subject property be revised from "Low Density Residential" to "Industrial". PlanDSM describes this designation as follows:

<u>Low Density Residential:</u> Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

<u>Industrial:</u> Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

The eastern portion of the subject property is currently zoned "N3a" Neighborhood District. The Zoning Ordinance describes "N3a" district as, "intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code."

The applicant is proposing to rezone the subject parcel to the "I1" Industrial District. The Zoning Ordinance describes "I1" district as, "intended for general industrial uses, warehousing, and transportation terminals."

The subject property is located along Hull Avenue and Delaware Avenue in an area that is primarily industrial. Staff believes that given the generally industrial nature of the corridors it is located on, the requested rezoning is appropriate and conforms to the PlanDSM: Creating Our Tomorrow goal to retain existing industrial land for industrial uses.

However, staff notes that it is located directly adjoining long-term one-household properties. Table 134-3.1-1 states Equipment & Material Storage, Outdoor is permitted by right with applicable supplemental regulations within "I1" District. Given the subject property's location and the percentage of building coverage compared to the lot size, staff believes that prohibition of any outdoor storage is necessary to avoid negative impacts on the adjoining residential uses.

As part of the site plan review process, the applicant would be required to provide a Heavy Buffer per Section 135-7 of the Municipal Ordinance.

- 2. Grading & Storm Water Management: Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.
- **3.** Utilities: The subject property has access to all necessary utilities. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

SUMMARY OF DISCUSSION

Katherine Drahos presented staff report and recommendation.

<u>Chris Draper</u> asked if the prohibition of outdoor storage would apply if the property were sold to a new owner.

<u>Katherine Drahos</u> stated that prohibition would continue. Zoning conditions run with the land.

Emily Webb asked if the neighborhood association is opposed.

Katherine Drahos states yes.

Katie Gillette asked what would happen to the building if this request was denied.

Jason Van Essen stated the property has some non-conforming rights to uses.

Todd Garner asked if their request is for outdoor storage.

<u>Jason Van Essen</u> stated city staff is under the impression they will not have any outdoor storage but wanted to create that zoning condition given how small the site is.

<u>Todd Garner</u> clarified the commission is being charged with zoning the whole property to I1.

Jason Van Essen stated correct.

<u>Justyn Lewis</u> asked if they would be allowed to operate within the building if this request was denied.

<u>Jason Van Essen</u> stated I1 is a light industrial district that allows a variety of uses, some of which could include outdoor storage.

<u>Christ Draper</u> asked if the "I1" activities took place in the western half of the building, would they be in compliance.

<u>Jason Van Essen</u> stated that's not an interpretation the planning staff makes and would need reviewed by the City's Zoning Enforcement Officer.

<u>Emily Webb</u> asked if the previous owner had not sold the building, would they be able to operate as Cloud Content.

<u>Jason Van Essen</u> stated not currently but prior to the zoning change, this use would have been allowed in the "M-1" district.

<u>Derek West</u>, Cloud Contents, 2101 Hull Avenue stated his business specializes in cleaning personal property from a home or business that has been damaged by fire. They currently operate out of Minnesota and have been working with clients around Des Moines for the past year. Operations will be similar to the previous owner with storage in the rear

and operations in the front. Plumbing work has begun as he is fully invested in the property, and it felt like a minor risk to start that project.

Katie Gillette asked if the building would be put back on the market if the rezoning is not approved.

Derek West stated they would continue to operate out of Minnesota and sell the building.

Andrew Lorentzen asked if he had any problems with the prohibition of outdoor storage.

Derek West stated no.

<u>Chris Draper</u> asked if he would agree to a condition that would limit him to a certain toxicity level.

<u>Derek West</u> stated yes, these cleaning products are used by his employees every day and are nonharmful. He would also be happy to provide the MSDS sheets for all cleaning supplies.

Justyn Lewis asked what happens to waste that is cleaned off the items.

Derek West stated it would go down the drain.

<u>Carol Maher</u> asked if employees wear hazardous material coverings when they are cleaning.

Derek West stated no.

Carol Maher asked what type of trucks would be parked outside.

<u>Derek West</u> stated they have a marked van and two 26-foot trucks that would be parked at the loading docks.

Carol Maher asked if the fire department required notification for this type of work.

Derek West stated no.

Carol Maher asked if the existing dumpsters will be enclosed.

Derek West stated the dumpsters will be removed.

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Michelle Altenhofen</u>, 2925 E. 21st Street expressed concerns with discharge, air quality, health issues and water contamination.

<u>Chris Draper</u> asked if there are restrictions that she could define that would address her discharge concerns.

Michelle Altenhofen stated meet all EPA standards.

<u>Bridget Botkin</u>, 3818 Amherst Street stated Iowa is known for being the #2 state in the nation for cancer rates, so she is opposed to this request even with conditions for chemical discharge.

<u>Mike Gass</u>, 2635 Boyd Street stated he would like to review the MSDS sheets for the chemicals beings used and information on the PPE they wear during these cleanings.

<u>Jeff Witte</u>, Fairmont Park Neighborhood Association President, 2501 Morton Avenue requested this item be continued given the lack of time to organize a neighborhood meeting, neighboring concerns and all the questions left unanswered.

Will Page asked if he received notification from the city that was mailed on February 10th.

Jeff Witte stated yes, but there was no refence to a meeting on February 16th.

<u>Jason Van Essen</u> stated the city sends notice of the rezoning hearing before the commission. The applicant is charged with inviting property owners to a neighborhood meeting.

<u>Will Page</u> asked if he felt the notification from the applicant wasn't received in due time.

Jeff Witte stated it wasn't.

Derek West stated they are not required to wear any PPE within their cleaning facility.

Abby Chungath asked if there are specific OSHA regulations.

<u>Derek West</u> stated there are general regulations but nothing specific to restoration.

<u>Justyn Lewis</u> suggested he be transparent with the neighborhood, be involved in the community and hire employees from the north and east side of Des Moines. He also suggests the following zoning conditions. Contents going down the drain be reviewed, air admissions be tested and monitored, provide MSDS sheets and biohazard review.

<u>Jason Van Essen</u> stated the applicant is obligated to comply with state and federal regulations, and the building code and fire code on the local level. There isn't a need for these type of zoning conditions.

<u>Will Page</u> asked Mr. West if he would be willing to continue this item to allow more conversation with the neighborhood.

<u>Derek West</u> stated he is willing to do what's required but time is a huge factor as they are currently backed up.

<u>Todd Garner</u> asked if any process within the building require employees to wear respirators.

Derek West stated no.

<u>Todd Garner</u> asked if any chemical is required to be registered with the DNR or local fire department.

Derek West stated no.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Justyn Lewis</u> asked if the purchase of the building would trigger review of potential water contamination and air admissions.

<u>Jason Van Essen</u> stated they are required to go through building and fire code review when they start applying for permits. The commission needs to be mindful of this being a rezoning request and that "I1" makes sense in this location given the surrounding zoning districts.

<u>Chris Draper</u> stated he would move approval of staff recommendation given the location and the enforcement mechanisms in place if this was to become a problem.

Justyn Lewis asked how we reconcile the concerns within the community.

<u>Emily Webb</u> stated the applicant has addressed a lot of the concerns and the regulations already in place will prevent those from happening.

<u>Johnny Alcivar</u> noted this commission is only a recommending body and this request will be taken to City Council for approval.

Dan Drendel stated tonight's discussion has also served the community well.

<u>Will Page</u> stated he will be voting in opposition because the neighborhood has a right to have a conversation with the applicant.

COMMISSION ACTION:

Chris Draper made a motion for:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Industrial.

Part C) Approval of the requested rezoning from "N3a" Neighborhood District to "I1" Industrial District, subject to the prohibition of outdoor storage as a principal or accessory use.

Motion passed: 11-2-1

Respectfully submitted,

Jula Com

Jason Van Essen, AICP Planning & Urban Design Administrator

JMV:tjh

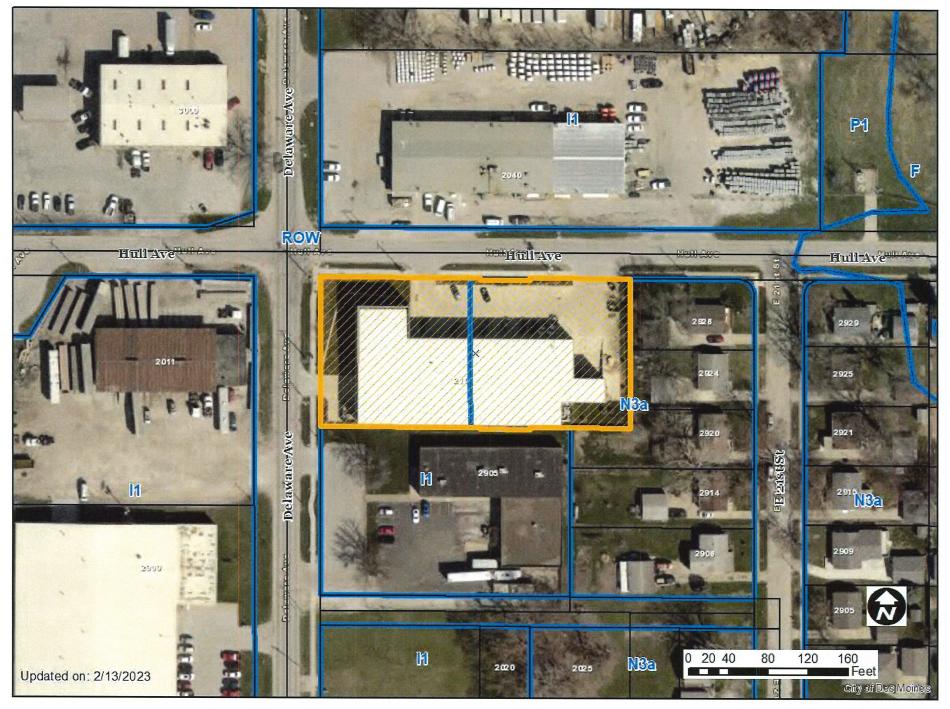
Westco Hull LLC, 2101 Hull Avenue

55 COMP-2023-000010



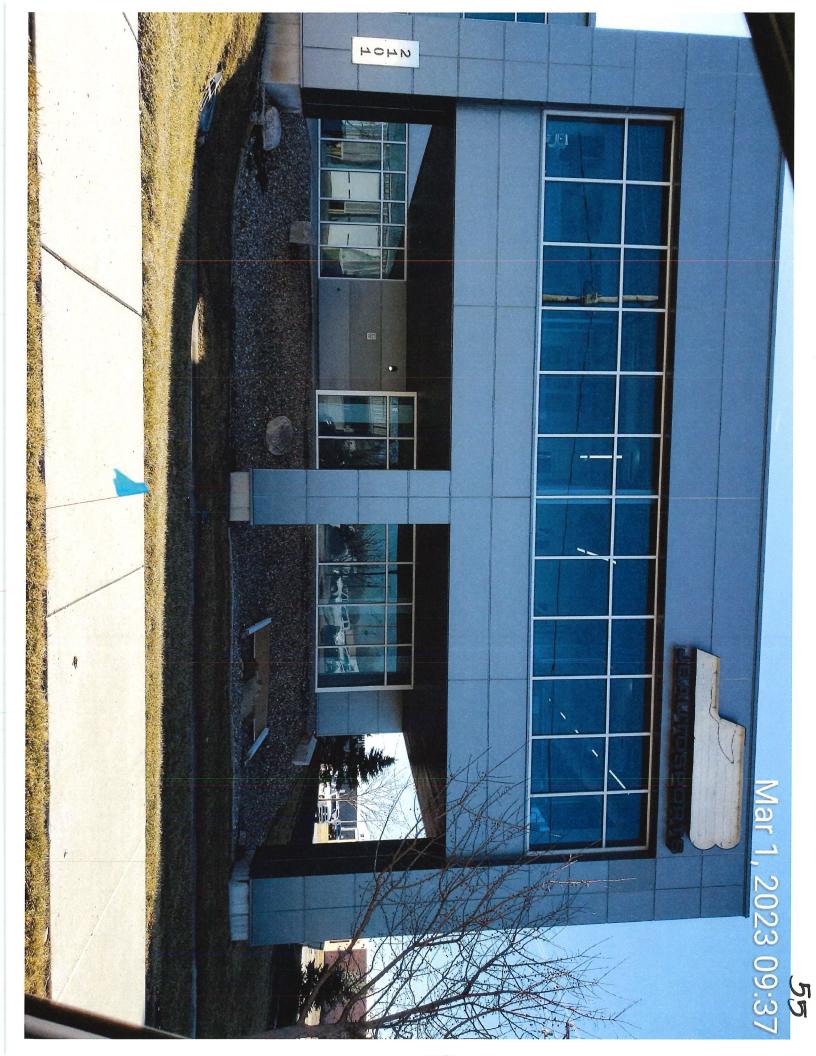
Westco Hull LLC, 2101 Hull Avenue

ZONG-2023-000012

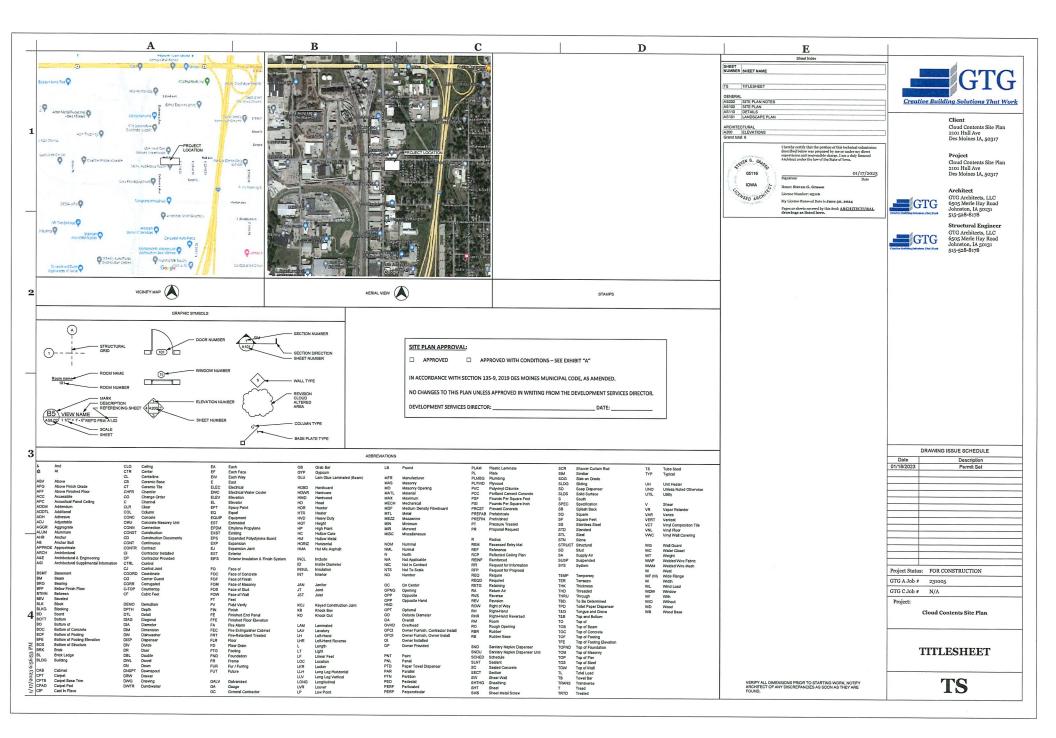


1 inch = 93 feet

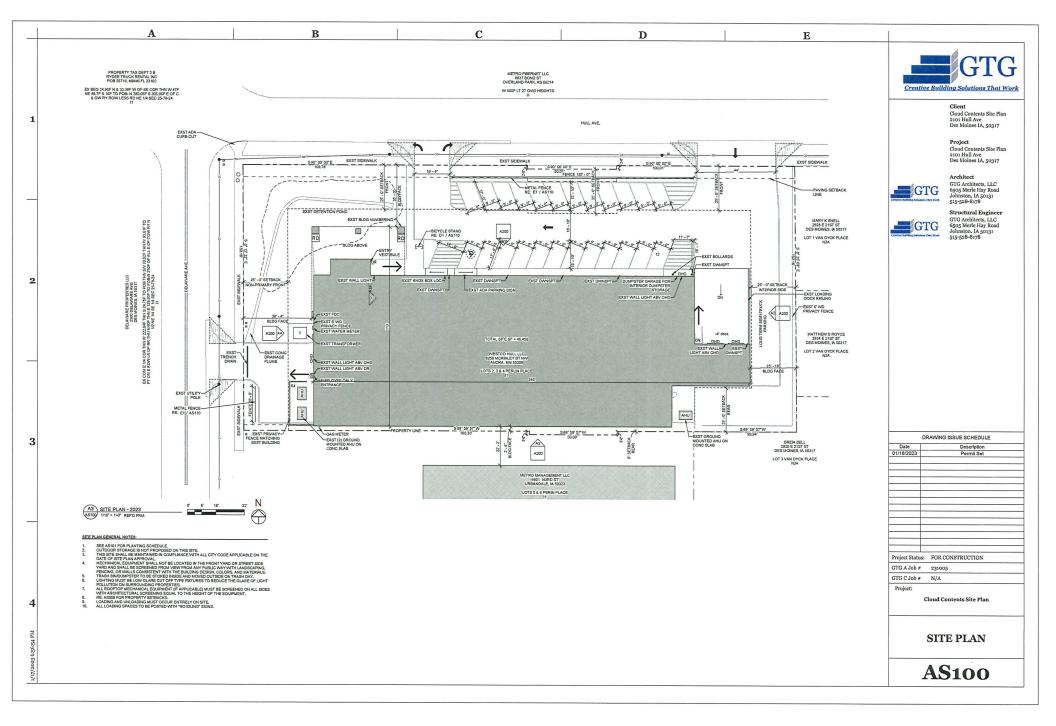


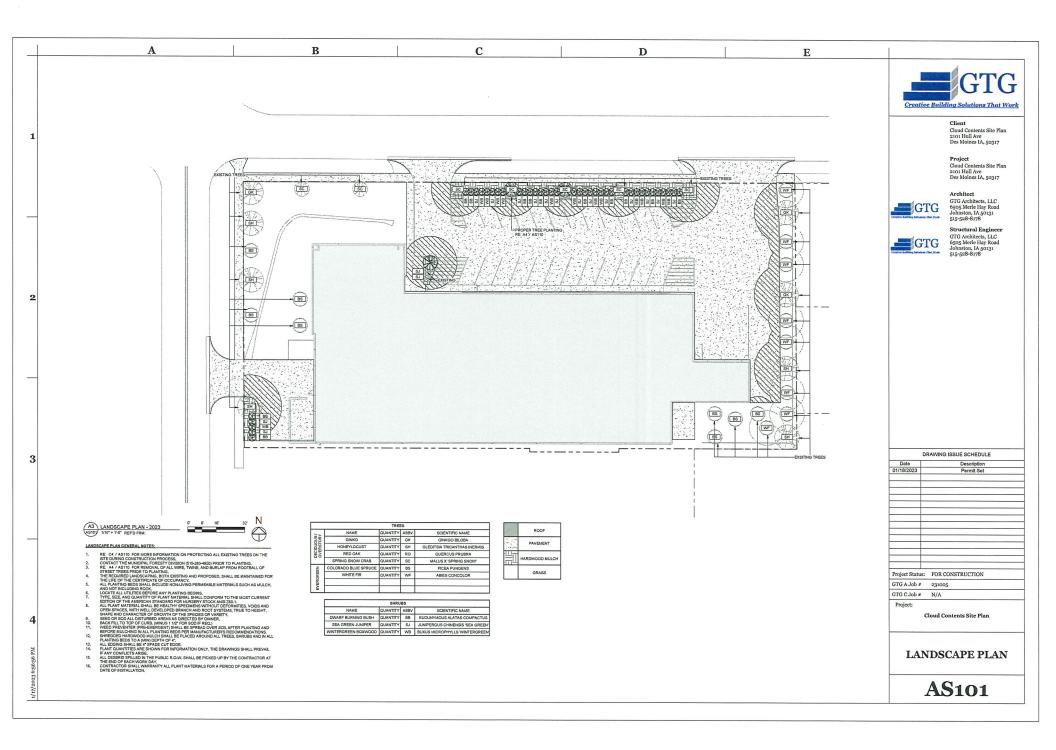


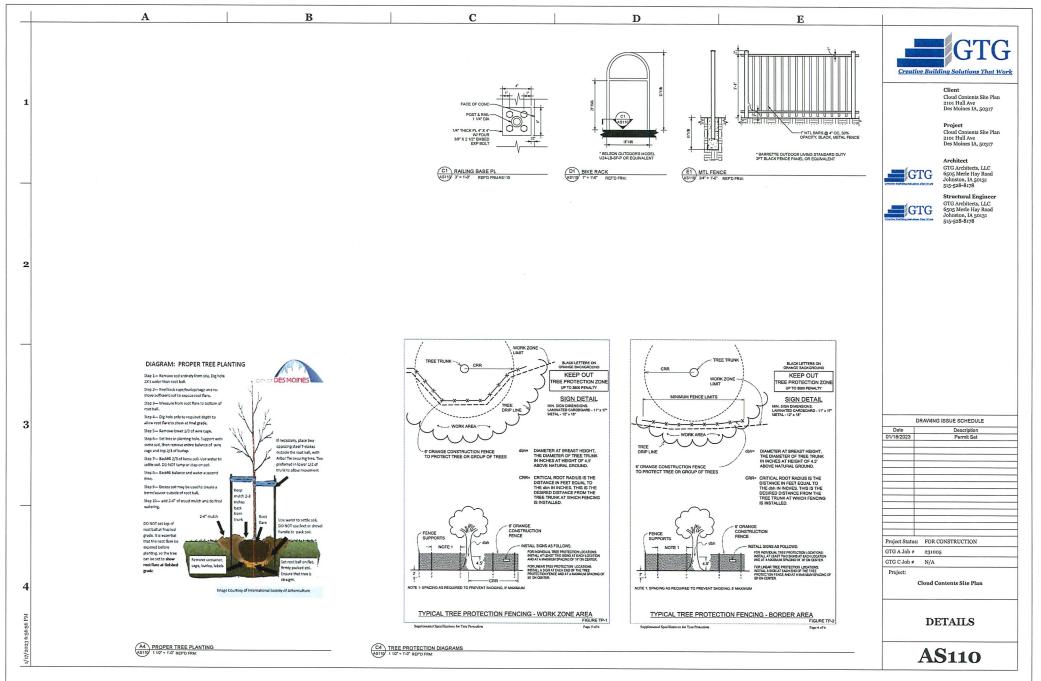




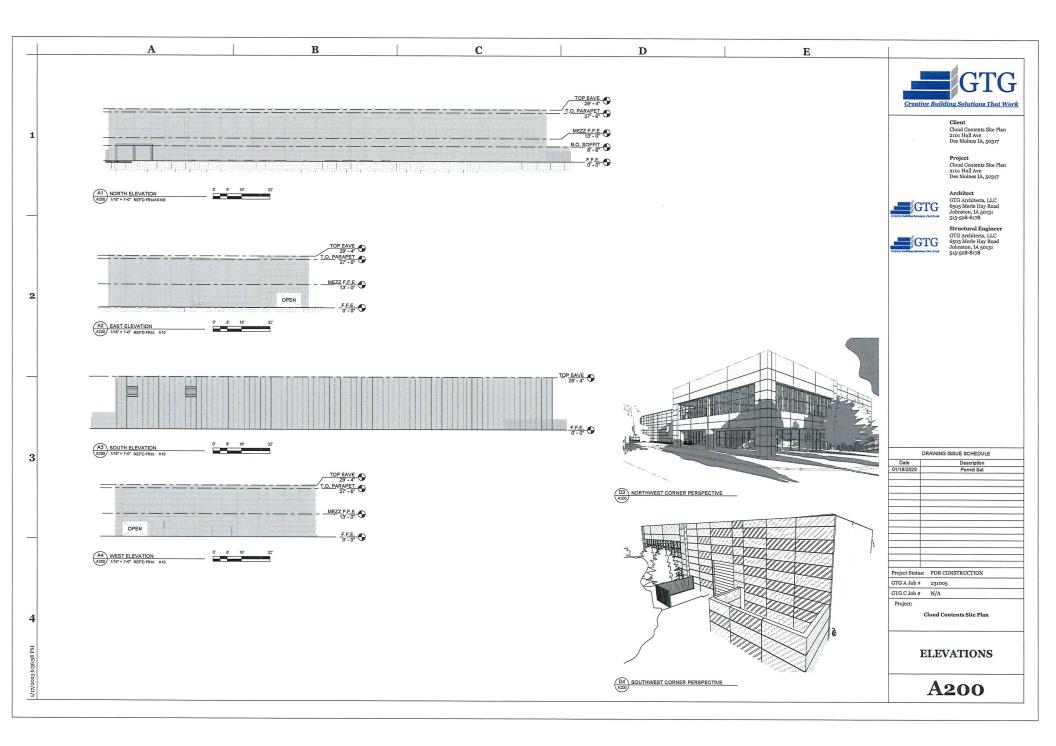
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	MAXWUM HEIGHT GROUND MINNUM HEIGHT FER STORY 10 FT SIGUND MAXMUM HEIGHT FER STORY 10 FT IS NOLE 13 FT UNDER MEZZ 27 FT REST SIGUND MAXMUM HEIGHT, FER STORY 10 FT SINGLE 14 CHTER STORES MAX. NONE	8. ALL DISTURBED AREAS SHOULD BE RES						PROJECT BUT NOT SPECIFICALLY PROJECT, NO ADDITIONAL IN OF THIS WORK,	RED ELECTRIC YELLOW GAS-OIL DRANGE COMM. / CATV	0. NO RESPONSE 1. CLEAR 2. MARKED 3. MARKED INCLUDING PRIVATE	
	BULDING AREA:	OFF STREET PARKING:			- CONS WORE OTHE	SIDERED UNACCEPTABLE KMANSHIP, USE OF DEFE R CAUSE FOUND TO EXIS	E, UNACCEPTABLE WORK, WI ECTIVE MATERIALS, DAMAGE ST PRIOR TO THE FINAL ACC	IS OF THE CONTRACT WILL BE IETHER THE RESULT OF POOR STHROUGH CARELESSNESS OR ANY PTANCE OF THE WORK, SHALL BE DEFOUNDED BY THE MORK, SHALL BE	BLUE WATER GREEN SEWER	4. AGREED TO MARKING SCHEDULE 5. STANDBY REQUIRED / MARKED 6. STANDBY REQUIRED / NOT MARKED 7. NOT MARKED (NADEQUIRED / NOT MARKED	
	EXISTING BUILDING: 18,947 SF	STORAGE, DISTRIBUTION: 1 PER 10,000 SF OFFICE: 1 PER 400 SF	f		CONT	RACTOR'S EXPENSE. WO	ORK DONE CONTRARY TO TH	S REQUIRED BY THE ARCHITECT AT THE E CONTRACT, WORK DONE BEYOND ONE WITHOUT AUTHORITY WILL NOT	PINK TEMP SURVEY WHITE PROPOSED EXCAVATION	8. NOT MARKED (NO ACCESS)	
	EXISTING AND PROPOSED LIGHTING:	CALCULATION:			22. CONT PROJ THE F	RACTOR SHALL OBTAIN ECT AND IS RESPONSIBL PERMITS. ALL WORK SHA	ALL NECESSARY PERMITS F E FOR COMPLYING WITH TH ILL COMPLY WITH CURRENT	OR WORK TO BE PERFORMED FOR THE E REQUIREMENTS SET FORTH WITHIN STATE AND LOCAL CODES. INSPECTION ITY.	BEFORE YOU D		DRAWING ISSUE SCHEDULE
	EXISTING LIGHTING: 5 PROPOSED LIGHTING: 0 STRE TOTAL: 5	OFFICE: 4,666 SF / 400 SF TOTAL:	0 SF = 1.8 = 2 STALLS = 11.6 = 12 STALLS 14 STALLS		23. CONT		OR & GRADING PERMIT AND	ITY. PROVIDE EROSION CONTROL	1-800-292-89	9 California Car	Date Description 01/18/2023 Permit Set
	LANDSCAPE REQUIREMENTS:	PROVIDED: 24 STALLS 1 ADA STALL (VAN)			24. ALL S CONT	IDEWALKS & WALKWAYS	SHALL HAVE A CROSS SLOP	E NOT GREATER THAN 2%. TALLATION AND CORRECT ANY AREAS			
	LANDSCAPE REQUIREMENTS SHALL ADHERE TO 135-7 & 135-8 135-7.4B. 15 % OF LOT = TREE CANOPY COVERAGE 4 6550 SF = 6,964 SF = 7 SHADE/OVERSTORY TREES TOTAL = 10,921 SF	BICYCLE PARKING: STORAGE & DISTRIBUTION: N/A OFFICE: 1 PER 50.000 SF									
	NEW EXST TREE SIZE MIN SPACING SHADE / OVERSTORY 1,000 SF ≻10 IN 300 SF STREET TREE 30 FT	CALCULATION:	SF = .1 = 2 (1 EACH SIDE OF STAN	D							
	ORIVAMENTAL / UNDERSTORY 700 SF >20 N 700 SF SHADE / OVERSTORY 30 FT EVERGREEN / CONFERCUS 300 SF >30 N 1,000 SF COMAMENTAL / UNDERSTORY 15 FT REGO STREET TREES REGO BUFFER PLANTINGS EXISTING PROPOSED TOTAL	4,000 Gr 7 30,000 S		-,							
	1 MIN N/A 29 3 32 T REES N/A 1 PLANTING FER 36" OC 17 25 42 SHRUB'S										
l	* POWER LINES ARE IN THE RIGHT OF WAY DIRECTLY ADJACENT TO THE SITE, NO TREES ARE PROPOSED. PLANTING SCHEDULE IS LOCATED ON AS101										Project Status: FOR CONSTRUCTION
	PARKING REQUIREMENTS: INTERIOR PARKING AREA: 12,995 SF										GTG A Job # 231005
	TREE COVERAGE MINIMUM REQUIREMENT: 30% SHADING REQUIRED: 3,899 SF										GTG C Job # N/A Project:
	SHADING PROVIDED: 3,658 SF										Cloud Contents Site Plan
											SITE PLAN NOTES
											ASooo







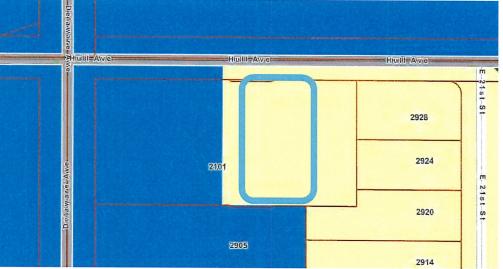
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Prior to 2016, 3 parcels zoned "M-1" Light Industrial District

- House on eastern parcel was legal non-conforming
- April 25, 2016: PlanDSM adopted. East parcel designated "Low Density Residential"
- May 23, 2016: Demo permit issued for house
- Nov. 21, 2016: Site Plan approved for new construction. Entire parcel zoned "M-1" Light Industrial.



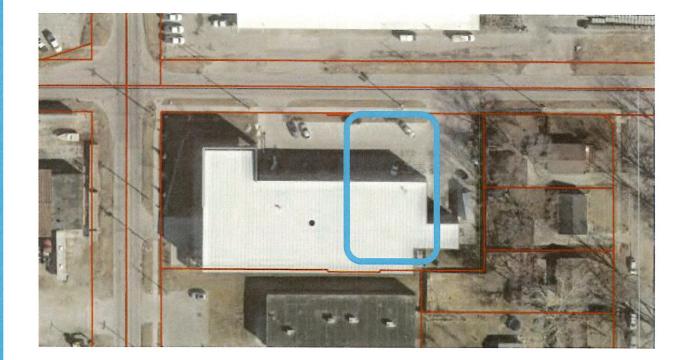


 Dec. 16, 2019: new Zoning Map adopted

Following PlanDSM Land Use Map: "Low Density Residential" area zoned "N3a" Neighborhood District

 Western parcel zoned "I1" Industrial

 Recently constructed, existing building allowed as legal non-conforming use on "N3a" portion of combined parcel



February 21, 2023



6505 Merle Hay Rd, Suite A Johnston, IA 50131 Phone: 515-528-8178 E-mail: <u>tvincent@gtgcompanies.com</u> GTG job #: 231005

Rezoning Proposal Meeting Summary

2101 Hull Ave Des Moines IA, 50317

Meeting Date: Thursday February 16th 2023 5:30-7:00pm Location: 2101 Hull Ave Des Moines, IA 50317

We received the neighborhood list of properties within 250 feet from city staff on Monday February 13th 2023, the list of properties included are as follows:

Name	StreetAddress	CityStateZp
WENDY BENNETT	2929 E 215T ST	DES MOINES 14 50317-3501
DOROTHY RHOADES	2908 E 215T 5T	DES MOINES 1A 50317-3502
BRANDI MILLIKAN	2909 E 215T ST	DES MOINES IA 50317-3501
BOYSEN PROPERTIES LLC	5887 NW 3RD CY	DES MOINES 14 50313-1351
CITY OF DES MOINES	400 ROBERT D RAY DR	DES MOINES (A 50309-1813
MICHELE ALTENHOFEN	2115 MORTON AVE	DES MOINES 14 50317-3539
METRO FIBERNET LLC	8837 BOND ST	OVERLAND PARK KS 66214-1707
BOUNTHOM XAYSANA	2914 E 215T ST	DES MOINES 14 50317-3502
KELLY PHIPPS	805 N STATEST	PLEASANTVILLE (A 50225-9788
MARY SNELL	2928 E 215T ST	DES MOINES 14 50317-3502
GERALD OVERMAN	2029 BOYD ST	DES MOINES (A 50317-3507
RYDER TRUCK RENTAL INC	3000 DELAWARE AVE	MIAMI FL 33102-5719
DARYLE FOXHOVEN	2921 E 215T ST	DES MOINES (A 50317-3501
BREIA BELL	2920 E 215T 5T	DES MOINES 14 50317-3502
MATTHEW ROYCE	2924 E 215T ST	DES MOINES 14 50317-3502
ILES & MCKINNEY INC	3123 DELAWARE AVE	DES MOINES IA 50316-0377
METRO MANAGEMENT LLC	4601 143RD ST	URBANDALE (A 50323-2487
AMANDA KENT	2905 E 215T ST	DES MOINES 14 50317-3501
Jeff Witte*	2501 Morton Ave	Des Moines IA 50317

We mailed our letter out Monday afternoon, the residents in attendance received the letters Wednesday night. Attached at the end of this document is the sign-in sheet for the meeting with the residents in attendance.

With respect to the proposed use of the facility, neighbors wondered how proposed use would impact: air quality & water quality. We will share these concerns with the owner and respond when we know more.

The residents view this sites zoning (I1) is not the correct zoning for the needs of the neighborhood. Residents would like to see more Mixed-Use (X) District nodes in their area of the city allowing more businesses to move in and create a walkable neighborhood with shops and services fitting their needs.

Following the meeting, we will be reaching out to the owner of the property to get information on the cleaning/restoration process. We will reach out to city staff to see if there is additional zoning categories that will work for the owners use of the property and still gives the neighborhood the zoning flexibility they are looking for.

Thank you,

GTG Architects, LLC

Tyler Vincent Intern Architect

February 16, 2023



6505 Merle Hay Rd, Suite A Johnston, IA 50131 Phone: 515-528-8178 PTG job #: 231005

Meighborhood Meeting Zoning Amendment 210H Iotz

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SSINGAV

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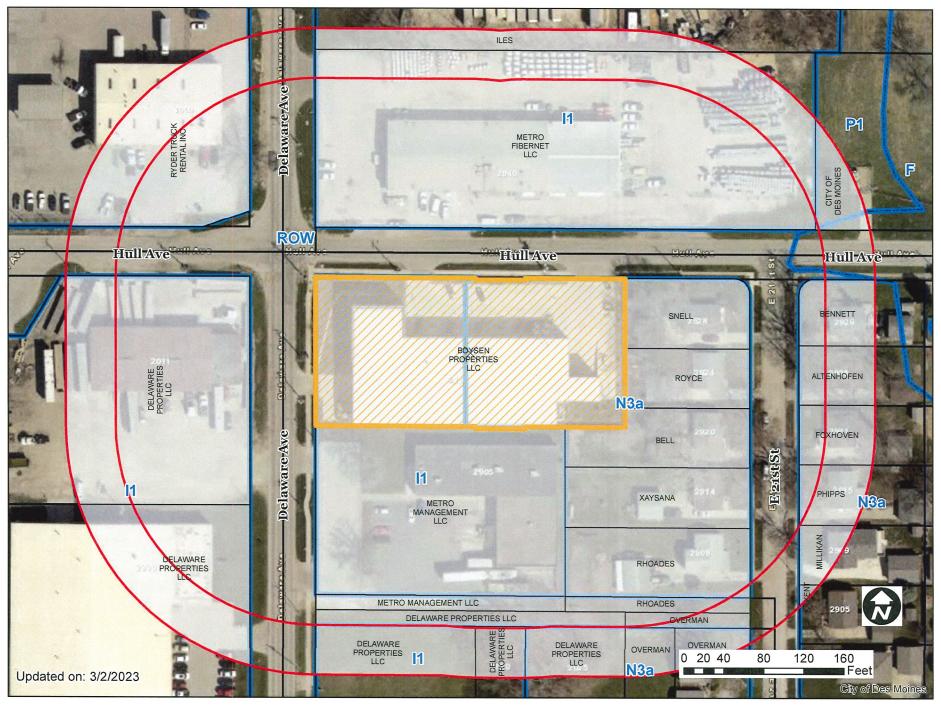
Page 1 of 3

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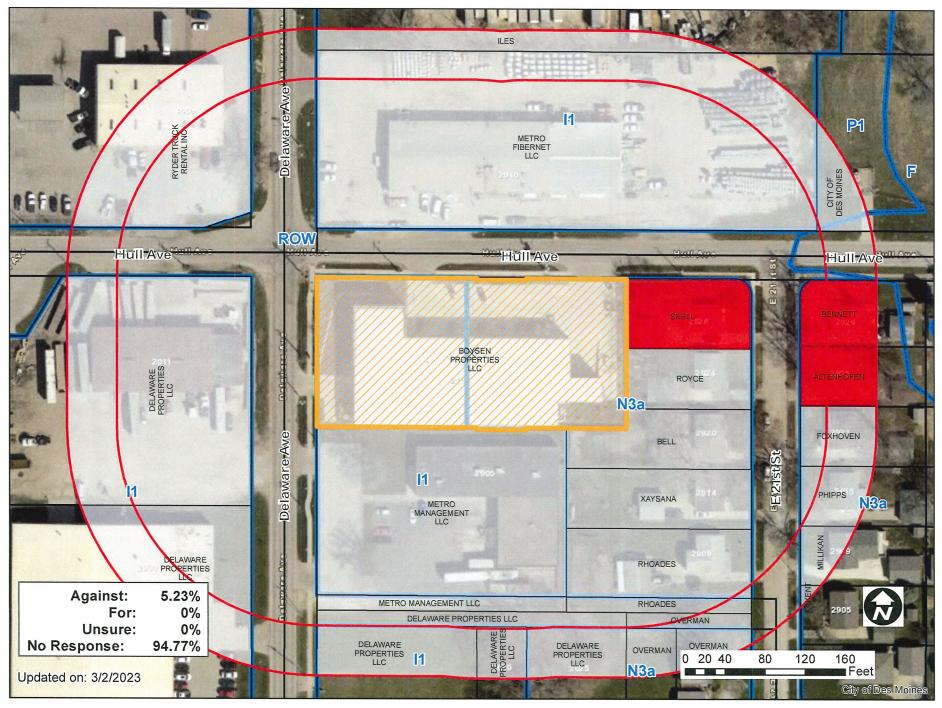
Westco Hull LLC, 2101 Hull Avenue

COMP-2023-000010



Westco Hull LLC, 2101 Hull Avenue

ZONG-2023-000012



1 inch = 93 feet

Item: ZONG-2023-000012 Date:	
Please mark one of the following: I support the request I am undecided I oppose the request	Staff Use Only RECEIVED COMMUNITY DEVELOPMENT FEB 2 7 2023
Titleholder Signature: <u>アハAny</u>	1
Name/Business:	
Impacted Address: <u>2928 E. ユル</u> レ	m. IA 50317
Comments: <u>J've been here UU</u> <u>alu not want to prove</u> <u>heighbors</u> <u>IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII</u>	I III I III
Please mark one of the following:	
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THE ALL ALL ALL ALL ALL ALL ALL ALL ALL AL	1
Titleholder Signature:	Sident
Titleholder Signature: <u>Mutte</u> Pires Name/Business: <u>Fairmand</u> Purk Nicht	sident boo hood Assoc.
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ZONG-2023-000012 , Item: Date: 4 - - 112 Please mark one of the following: 1.1.1. ÷t. Staff Use Only 2 - 2 -RECEIVED I am undecided COMMUNITY DEVELOPMENT I oppose the request FEB 2 8 2023 Titleholder Signature: Michele Altenhofen Name/Business: SY 9 Impacted Address: 4)an. 20ni Comments: P hood or Yh nr 24 PQ 41 I Item: <u>ZONG-2023-000012</u> Date: Please mark one of the following: Staff Use Only I support the request RECEIVED COMMUNITY DEVELOPMENT I am undecided MAR 0 1 2023 I oppose the request Titleholder Signature: Name/Business: Wenn SI Impacted Address: Comments: _

Dostart, Katherine E.

From:	Chakraborty, Sreyoshi
Sent:	Tuesday, February 21, 2023 7:11 PM
To:	Ludwig, Michael G.
Cc:	Drost, Bert A.; Dostart, Katherine E.
Subject:	FW: Re-zoning request from Clouds Content
Attachments:	20230220_160630.jpg
Follow Up Flag:	Flag for follow up
Flag Status:	Flagged

FYI, Wanted to share this. I have also spoken to Cherie a couple of times and heard her concerns

From: Michele Altenhofen <altenhofen.michele@gmail.com>
Sent: Tuesday, February 21, 2023 6:29 PM
To: Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Subject: Re-zoning request from Clouds Content

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi

Hello I am a resident that lives on E 21st off of Hull Ave.

I am greatly concerned about the new business that bought 2101 Hull Ave location. Last week I received a letter regarding a meeting that they are requesting to have are area re-zoned from (I1 & N3A) to I1 commercial. Which I am NOT for at all. In this meeting we were told that this was a restoration company smoke and fire some blood, that was a false statement I researched what they do and what types of things they do, chemical spills and clean up bio hazardous material lots of cleaning with highly toxin chemicals, my concerns are what types of air emissions will be let out, ground pollution from water waste, this could be a health hazard to my neighborhood and to the children that attend Garten school!

We were told at this meeting that they couldnt start any work until this matter was resolved with the zoning board on March 2nd, yesterday they started digging with a back hoe tore up the cement on the side they stated is zoned as N3A into the grass making away for water lines or sewer drainage lines. The property wasn't flag by utility companies so did they even make a one call before digging? Can you tell me they have a storm water drainage tube, does that run into the city sewer drainage or dumped into the storm water retention pond? This type of company could cost everyone's property to devalue.

I have neighbors that have serious health issue.

I have pictures from yesterday that I will attached! as of 5pm tonight I see they have everything they were doing covered up now.

I was tolded that you're are contact person from Cherie Mortid.

Sincerely Michele





Dostart, Katherine E.

From:	Chakraborty, Sreyoshi
Sent:	Thursday, March 2, 2023 8:59 AM
To:	Dostart, Katherine E.; Van Essen, Jason M.; Drost, Bert A.
Cc:	Ludwig, Michael G.
Subject:	FW: Letter
Attachments:	2201 Hull Property email.docx; Hull 2201 2.docx; signed letter 2101 Hull.docx
Follow Up Flag:	Follow up
Flag Status:	Completed

FYI, it seems like very little notice was provided to the residents leading up to the neighborhood meeting.

From: Jeff Witte <jwpresfairmont@gmail.com> Sent: Thursday, March 2, 2023 8:52 AM To: Chakraborty, Sreyoshi <SChakraborty@dmgov.org> Subject: Re: Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Seryoshi, I am attaching a letter from Fairmont Park, an email sent to Tyler Vincent, and the letter that was sent from GTG who owns the property at 2101 Hull Avenue. Thank you

Jeff Witte FPNA Pres. 515-208-9532

On Wed, Mar 1, 2023 at 3:30 PM Chakraborty, Sreyoshi <<u>SChakraborty@dmgov.org</u>> wrote:

Jeff,

Good to talk to you! Feel free to email your letter to me so staff can include it in the presentation to the Commission.

Thank you,

SREYOSHI CHAKRABORTY, AICP (She/Her) | CITY OF DES MOINES

Senior City Planner | Development Services

Office: 515-283-4749 Cell: 515-975-6820

dsm.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309



The City of Des Moines has launched new development review, permitting, and inspection software that includes a Customer Self-Service (CSS) online portal to make it easier to submit and track requests with the Planning & Urban Design Division. This portal provides customers with a secure and convenient way to submit applications and planning materials without printing, mailing, or faxing a form. Customers are also able to track requests to more easily determine where they are in the process. A link to this Customer Self Service site is available on the <u>Planning & Urban</u> Design Division webpage.

55

2201 Hull Property

J Jeff Witte <jwpresfairmont@gmail.com>

Thu, Feb 16, 1:55 PM

to tvincent

Tyler, due to one day notice, and scheduling conflicts for the meeting to discuss changing the zoning for the property at 2201 Hull I will not be able to attend. Thank you

Jeff Witte FPNA Pres. <u>515-2</u>08-9532



ReplyForward



February 13, 2023

6505 Merle Hay Rd, Suite A Johnston, IA 50131 Phone: 515-528-8178 E-mail: <u>tvincent@gtgcompanies.com</u> GTG job #: 231005

Rezoning Proposal 2101 Hull Ave Des Moines IA, 50317

2101 Hull Avenue has recently been purchased by Cloud Contents and is currently zoned as (I1) & (N3A).

It is an Industrial district intended for general industrial uses, warehousing, and transportation terminals. N3A is a Neighborhood District, intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950's.

Cloud Contents would like to amend the current City of Des Moines zoning for the property (I1 & N3A) to I1.

We are planning to hold a neighborhood meeting at 2101 Hull Ave on Thursday February 16th from 5:30pm to 7pm for any questions you may have. If you are unable to meet with us on this date, please direct all comments and questions to the email address and number provided above.

Thank you,

GTG Architects, LLC

Tyler Vincent Intern Architect

GTG

Page 1 of 1



From The Desk of Jeff Witte FPNA President

March 2, 2023

Mis. Servoshi Chakraborty:

Ms. Chakraborty, I am writing this letter to inform you that Fairmont Park Neighborhood Association is opposed to the rezoning of the property at 2101 Hull Avenue in Des Moines. I received a letter from GTG the company that bought the building at 2101 Hull stating a meeting to be held for the residence of Fairmont Park. The letter was written on February 13th I received that letter on the 15th of February for a meeting on the 16th 24 hours notice. Due to scheduling conflicts I was unable to attend. As a courtesy I called the person to contact (Tyler Vincent) from GTG and explained my situation, and asked what would be in the building Tyler explained they would be Architects. After the meeting was held on the 16th I was informed by residences that attended the meeting it would be a restoration company I believe we should slow this process down to make sure they are set up to handle hazardous materials. And not put the neighborhood, or Garton School which is just 4 blocks away in harms way. Fairmont Park stands with the residents that are opposed to the rezoning.

Thank you

Jéff Witte FPNA Pres. 515-208-9532



Agenda Item Number

Date March 27, 2023

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2101 Hull Avenue from "I1" Industrial District and "N3a" Neighborhood District to Limited "I1" Industrial District classification",

presented.

Moved by				that	this	ordinance	be
considered		vote	for	pas	ssage.	Second	by

FORM APPROVED:

(First of three required readings)

<u>/s/ Chas M. Cahill</u> Chas M. Cahil (ZONG-2023-000012) (COMP-2023-000010)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
OTION CARRIED			API	PROVED

Mayor

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.

____City Clerk

Prepared by:Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515-283-4533Return Address:City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309Title of Document:City of Des Moines, Ordinance No.Grantor/Grantee:City of Des Moines, IowaLegal Description:See page 1, below.

ORDINANCE NO.

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2101 Hull Avenue from "I1" Industrial District and "N3a" Neighborhood District to Limited "I1" Industrial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in

Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same

is hereby amended by rezoning and changing the district classification of certain property located

vicinity of 2101 Hull Avenue from "I1" Industrial District and "N3a" Neighborhood District to

Limited "I1" Industrial District classification:

LOTS 2, 3, AND 4 PERIN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution

of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. Subject to the prohibition of outdoor storage as a principal or accessory use.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

<u>/s/ Chas M. Cahill</u> Chas M. Cahill Assistant City Attorney