



Roll Call Number

13-1937

Agenda Item Number

48

Date December 9, 2013

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING A USE VARIANCE TO ALLOW PROPERTY AT 301 & 309 SE 8TH STREET TO BE USED AS A BEVERAGE CONTAINER RECYCLING FACILITY FOR A TERM OF 10 YEARS

WHEREAS, on November 20, 2013, the Zoning Board of Adjustment voted 6-0 to approve an application from Raccoon Street Warehouse, LLC, for a use variance for a term of 10 years to allow a 1.93 acre parcel of property at 301 & 309 SE 8th Street within the "M-1" Light Industrial District to be used as a beverage container recycling facility, which would otherwise be required to be in the "M-2" Heavy Industrial District; and,

WHEREAS, Iowa Code §414.7 and Section 134-65(d) of the Zoning Ordinance require that any use variance granted by the Board be forwarded to the City Council for its review, and the City Council may remand the use variance back to the Zoning Board of Adjustment for further study if the Council believes the use variance was improperly granted.

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

ALTERNATIVE RESOLUTIONS

- A The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
B The City Council takes no action to review the Decision and Order. The decision of the Board will become final on December 26, 2013.
C The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

(Council Communication No. 13- 580)

MOVED by Voss to receive and file the staff report and comments received, and to adopt alternative C, above.

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FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
VOSS	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, 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

T. M. Franklin
Mayor

Diane Rauh

City Clerk