



13-2010

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Date December 23, 2013

RESOLUTION CLOSING NEW HEARING ON APPLICATION OF LOFFREDO GARDENS, INC., TO REZONE PROPERTY AT 4001 SW 63rd STREET FROM THE "PBP" PLANNED BUSINESS PARK DISTRICT TO A LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT AND CONDITIONALLY APPROVING SAME

WHEREAS, on November 18, 2013, by Roll Call No. 13-1846, the City Council closed the public hearing and gave conditional approval of the application from Loffredo Gardens, Inc. (owner), represented by Eugene Loffredo (officer), to rezone property it owns at 4001 SW 63rd Street and more specifically described as follows:

Outlot Z, Airport Industrial Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "PBP" Planned Business Park District to a Limited "M-1" Light Industrial District classification subject to four conditions recommended by the Plan and Zoning Commission; and,

WHEREAS, the Acceptance of Zoning Ordinance was not signed by Loffredo Gardens, Inc., before the close of that hearing, making the conditions unenforceable against the current and future owners of the Property; and,

WHEREAS, on December 9, 2013 by Roll Call No. 13-1894, it was duly resolved by the City Council that the application of Loffredo Gardens, Inc., be set down for a new hearing to be held on December 23, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the new hearing was published in the Des Moines Register on December 12, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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 at 4001 SW 63rd Street, more specifically described above, from the "PBP" Planned Business Park District to a Limited "M-1" Light Industrial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- 1) Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.

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- 2) Vehicular driveway access for site development use may only be from Watrous Avenue.
- 3) Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

WHEREAS, the fourth condition originally required the Loffredo Gardens, Inc., to meet with the adjoining property owner to discuss the provision of landscaping along the south boundary of the Property, which condition has already been satisfied.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from "PBP" Planned Business Park to a Limited "M-1" Light Industrial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "M-1" District classification is hereby APPROVED.

MOVED by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

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			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

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.

Diane Rauh

City Clerk