

Date June 9, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM JEFFERY TUCKER (OWNER) TO REZONE PROPERTY LOCATED AT 4044 E. 14TH STREET FROM "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT AND "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT TO ALLOW THE SUBJECT PROPERTY TO BE USED FOR A LANDSCAPING BUSINESS AND CONTRACTOR EQUIPMENT STORAGE YARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2014, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Jeffery Tucker (owner) to rezone property located at 4044 E. 14th Street from "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow the subject property to be used for a landscaping business and contractor equipment storage yard, subject to the following conditions:

1. Only the following uses of structures or land shall be permitted upon the Property:
 - a) Warehousing and outdoor contractor storage yard.
 - b) Any use permitted in and as limited in the "C-2" General Retail and Highway Oriented commercial District, except the following, which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs.
 - 4) Liquor stores and package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages and pawn shops.
 - 6) Delayed deposit services businesses.
2. Existing non-conforming outdoor storage areas on the Property shall be reduced to be outside of any required front yard setback and "R" District protection setback.
3. Any new or additional overhead doors on any principal or accessory building shall not face residentially zoned property, unless determined by the Community Development Director that no other reasonable location for the overhead doors exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
4. Any development of the Property shall comply with the City's Landscaping Standards applicable in a "C-2" District.
5. Any outdoor storage of loose landscaping material shall be kept within containment as approved during Site Plan review.

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WHEREAS, the Property is more specifically described as follows:

Lots 34, 35, 36, and the North 180 feet of Lot 44 in SHAWNEE ACRES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 23, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
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 Hensley to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(ZON2014-00063)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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.

Diane Rauh

City Clerk

T. M. Franklin Mayor