



Date May 22, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
EXTREME AUTO PLAZA, INC. TO REZONE PROPERTY LOCATED AT  
1453 EAST 14TH STREET**

**WHEREAS**, on April 3, 2017, by Roll Call No. 17-0584, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 16, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Extreme Auto Plaza, Inc. (owner), represented by Paul Moyer (officer), to rezone the paved portion of the real property located at 1453 East 14th Street ("Property") from Limited "C-2" General Retail and Highway-Oriented Commercial District and "R-2A" General Residential District to amended Limited "C-2" General Retail and Highway-Oriented Commercial District to allow future expansion of the existing vehicle display lot and sales of new vehicles and small trailers, subject to the following conditions:

1. Use of the Property shall be limited to uses permitted in the "C-1" Neighborhood Retail Commercial District, and sales of new small trailers and new or used vehicles;
2. Any expansion of display area upon the Property shall be in accordance with a Site Plan under vehicle display lot design guidelines reviewed by the Plan and Zoning Commission;
3. Any reuse or expansion of another commercial use of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center; and
4. Any Site Plan for the property shall be brought into conformance and comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District; and

**WHEREAS**, the Property is legally described as follows:

Beginning at the Northwest corner of Lot 228 in ASHBROOK, an Official Plat, recorded in Book I, Page 157, Polk County, Iowa; thence South 00°12'08" West along the west line of said Lot 228, a distance of 280.33 feet; thence South 89°59'16" West, a distance of 39.22 feet; thence South 00°02'05" West, a distance of 11.57 feet; thence South 89°44'03" West, a distance of 106.64 feet; thence South 00°00'58" West, a distance of 25.36 feet; thence South 89°44'03" West, a distance of 72.15 feet; thence North 00°13'17" West, a distance of 308.21 feet; thence North 44°54'14" East, a distance of 14.11 feet; thence South 89°58'16" East along the south right of way line of East Washington Avenue, a distance of 210.24 feet to the Point of Beginning. Containing 1.50 ACRES, more or less; and

**WHEREAS**, due notice of the rezoning 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**, on April 17, 2017, by Roll Call No. 17-0706, and on May 8, 2017 by Roll Call No. 17-0826, said hearing was opened and continued to provide additional time to the applicant for consideration of the above-stated conditions; and

**WHEREAS**, Extreme Auto Plaza, Inc. has determined that it objects to Conditions #2, #3 and #4 listed above, in order use the Property for future expansion of the existing vehicle display lot and sales of new vehicles and small trailers without making any site plan or landscaping improvements to the Property at this time, and thus Extreme Auto Plaza, Inc. will not sign an Acceptance of Rezoning Conditions including Conditions #2, #3 and #4; and



Roll Call Number

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**WHEREAS**, because of said objection and failure to execute an Acceptance of Rezoning Conditions containing all four conditions set forth above and approved by the Plan and Zoning Commission, City staff recommend denial of the proposed rezoning; and

**WHEREAS**, in accordance with the above-referenced notice of hearing, 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, any and all statements of interested persons and arguments of counsel regarding the proposed rezoning of the Property to amended Limited "C-2" General Retail and Highway-Oriented Commercial District are hereby received, and the hearing is closed.
2. The proposed rezoning of the Property to amended Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, is hereby **DENIED**.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
Glenna K. Frank, Assistant City Attorney

(ZON2017-00011)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk