



Date July 26, 2017

**RESOLUTION DISMISSING PROCEEDINGS ON REQUEST FROM EXTREME AUTO PLAZA, INC. (OWNER) TO REZONE PROPERTY LOCATED AT 1453 E. 14<sup>TH</sup> 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 conditions, and to amend the existing PlanDSM: Creating Our Tomorrow future land use designation for the Property from Low/Medium Density Residential to Community Mixed Use to allow for said rezoning; and

**WHEREAS**, on April 3, 2017, by Roll Call No. 17-0584, it was duly resolved by the City Council that the application of Extreme Auto Plaza, Inc. to rezone the Property be set down for hearing on April 17, 2017 at 5:00 p.m. in the Council Chamber at the Municipal Services Center; 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 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 applicable conditions; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0907, said hearing was again opened and continued in order for the Legal Department to prepare an Ordinance and Acceptance of Rezoning Ordinance, for execution by Extreme Auto Plaza, Inc. and all other owners of the Property, containing Condition #1 in the Plan and Zoning Commission's communication and conditions regarding screening and buffer easement requirements for parking areas on the east side of the Property; and

**WHEREAS**, on June 12, 2017, by Roll Call No. 17-1022, said hearing was again opened and continued to provide additional time to the applicant for consideration of the applicable conditions as revised; and

**WHEREAS**, by the accompanying communication, the applicant has requested to withdraw its application for rezoning of the Property and for amendment to PlanDSM: Creating Our Tomorrow Plan to allow for said rezoning.



**Roll Call Number**

**Agenda Item Number**

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Date July 26, 2017

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

1. The attached communication from Paul Moyer, officer of property owner Extreme Auto Plaza, Inc., withdrawing the application for rezoning of the Property and amending the existing PlanDSM: Creating Our Tomorrow future land use designation for the Property, is hereby received and filed.
2. The proceedings on the proposed rezoning of the Property and the proposed comprehensive plan amendment for the Property are hereby dismissed.

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

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**Frank, Glenna K.**

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**From:** Extreme <extremeautoplaza@aol.com>  
**Sent:** Tuesday, June 20, 2017 3:10 PM  
**To:** Frank, Glenna K.  
**Subject:** Re: 6/12 Rezoning Conditions - 1453 E. 14th St, DSM

Yes, I object. Mr Krause has withdrawn from any interest in this purchase.

Thank you,

Paul Moyer

Sent from my iPhone

> On Jun 20, 2017, at 2:50 PM, Frank, Glenna K. <GKFrank@dmgov.org> wrote:  
>  
> Mr. Moyer: Mr. Krause has requested a further continuance to July 10. I am assuming that will not be a problem for you. I will provide a resolution continuing to July 10, unless that is objectionable to you as the current owner.

> Thank you,

>  
>  
> Glenna K. Frank  
> Assistant City Attorney  
> 400 Robert D. Ray Drive  
> Des Moines, IA 50309  
> P: (515) 283-4530  
> F: (515) 237-1643  
> gkfrank@dmgov.org

> -----Original Message-----  
> From: Extreme [mailto:extremeautoplaza@aol.com]  
> Sent: Tuesday, June 20, 2017 11:48 AM  
> To: Frank, Glenna K. <GKFrank@dmgov.org>  
> Subject: Re: 6/12 Rezoning Conditions - 1453 E. 14th St, DSM

> Just withdrew request pls.

> Thank you,

> Paul Moyer