



22

Date June 26, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM TIMELIS RESTORATIONS (OWNER) REPRESENTED BY CARL WIEDERAENDERS (OFFICER) AND HAWKEYE LAND COMPANY (OWNER) REPRESENTED BY RICK STICKLE (OFFICER) FOR THE FOLLOWING REGARDING FOUR (4) PARCELS LOCATED IN THE VICINITY OF 2142 EAST MARKET STREET, TO REZONE THE PROPERTY FROM “I1” INDUSTRIAL DISTRICT TO LIMITED “I2” INDUSTRIAL DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A STAGING AREA FOR CONCRETE RECYCLING AND STORAGE YARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Timelis Restorations (Owner) represented by Carl Wiederaenders (Officer) and Hawkeye Land Company (Owner) represented by Rick Stickle (Officer), for the proposed rezoning from “I1” Industrial District to Limited “I2” Industrial District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Timelis Restorations (Owner) represented by Carl Wiederaenders (Officer) and Hawkeye Land Company (Owner) represented by Rick Stickle (Officer), to rezone the Property from “I1” Industrial District to Limited “I2” Industrial District, to allow the use of the property for a staging area for concrete recycling and storage yard, subject to the following conditions:

1. The property shall be brought into conformance with current City of Des Moines site plan standards; and
2. Any adjoining property used or developed in common with the subject property shall comply with condition #1; and

WHEREAS, the Property is legally described as follows:

AN IRREGULAR SHAPED PORTION OF LAND LYING IN PART OF LOTS 21 AND 22 OF BROOKS & COS ADDITION, AN OFFICIAL PLAT AS RECORDED IN BOOK A, PAGE 59 OF THE POLK COUNTY RECORDER; PART OF LOT 1 OF DIAGRAM A DEAN’S ESTATE, AN OFFICIAL PLAT; PART OF LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 304 OF THE POLK COUNTY RECORDER; AND PART OF LOT 3 OF THE OFFICIAL PLAT OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 136 OF THE POLK COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS:

Date June 26, 2023

BEGINNING AT AN IRON ROD WITH ORANGE IDENTIFICATION CAP #12265, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE WEST 653 FEET NORTH OF MARKET STREET, LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED FOUND IN BOOK 16515, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "TIMELIS RESTORATIONS PARCEL"); THENCE N00°08'10"E ALONG THE WEST LINE OF SAID TIMELIS RESTORATIONS PARCEL, A DISTANCE OF 238.50 FEET TO THE NORTHWEST CORNER OF SAID TIMELIS RESTORATION PARCEL; THENCE CONTINUING N00°08'10"E ALONG THE EAST LINE OF THE NORTH 300 FEET OF LOT 4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED RECORDED IN BOOK 8526, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "MCCAUGHEY PARCEL"), TO THE NORTHEAST CORNER OF SAID MCCAUGHEY PARCEL; THENCE N89°42'43"W ALONG THE NORTH LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 138.60 FEET TO THE NORTHWEST CORNER OF SAID MCCAUGHEY PARCEL; THENCE S05°20'49"W ALONG THE WEST LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 245.51 FEET TO THE ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET AS DESCRIBED IN THE DEED RECORDED IN BOOK 5469, PAGE 452 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "UNION PACIFIC DEED"); THENCE N89°37'34"W ALONG SAID ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 337.18 FEET TO A POINT BEING ON A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE FORMER ARMSTRONG TIRE & RUBBER COMPANY INDUSTRY LEAD TRACK, AS DESCRIBED IN SAID UNION PACIFIC DEED; THENCE NORTHERLY ALONG A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF SAID FORMER ARMSTRONG TIRE & RUBBER COMPANY LEAD TRACK TO A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE EXISTING SOUTHEAST WYE TRACK AS DESCRIBED IN SAID UNION PACIFIC DEED, TO A POINT WHICH LIES 581.89 FEET NORTHERLY OF AND NORMALLY DISTANT TO SAID ORIGINAL NORTH LINE OF MARKET STREET; THENCE S73°37'26E, A DISTANCE OF 434.88 FEET; THENCE S86°53'57E, A DISTANCE OF 184.42 FEET; THENCE S81°44'49E, A DISTANCE OF 184.36 FEET; THENCE S69°24'33E, A DISTANCE OF 217.07 FEET; THENCE S35°03'44E, A DISTANCE OF 182.93 FEET; THENCE S07°34'44W, A DISTANCE OF 207.32 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET; THENCE S89°46'22W ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 315.36 FEET TO THE



Roll Call Number

Agenda Item Number

22

Date June 26, 2023

POINT OF BEGINNING, SAID TRACT CONTAINING 419,887 SQUARE FEET, OR 9.64 ACRES.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on July 17, 2023, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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 _____ TO ADOPT

SECOND BY _____

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000024)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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

June 21, 2023

Communication from the City Plan and Zoning Commission advising that at their June 15, 2023 meeting, the following action was taken regarding a request from Timelis Restorations (owner), represented by Carl Wiederaenders (officer), and Hawkeye Land Company (owner), represented by Rick Stickle (officer) to rezone a portions of four (4) parcels located in the vicinity of 2142 East Market Street from “I1” Industrial District to “I2” Industrial District, to allow a staging area for concrete recycling and storage yard.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette	X				

APPROVAL of Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the rezoning of the property from “I1” Industrial District to “I2” Industrial District subject to the following conditions:

1. The property shall be brought into conformance with current City of Des Moines site plan standards.

2. Any adjoining property used or developed in common with the subject property shall comply with condition #1.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the rezoning of the property from “I1” Industrial District to “I2” Industrial District subject to the following conditions:

1. The property shall be brought into conformance with current City of Des Moines site plan standards.
2. Any adjoining property used or developed in common with the subject property shall comply with condition #1.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a concrete recycling business within the site. The proposed rezoning would allow the applicant to lease portions of four parcels adjoining 2142 East Market Street and use them for a staging yard for aggregate recycling, rock, dirt and fill. The development would have machinery for concrete recycling and outdoor aggregate storage areas. Some earth work is proposed along Dean’s Lake to enhance stormwater/flood control abilities. No new buildings are currently proposed. The site would be improved with a paved parking lot and fence. Materials and equipment would be stored outside. This use is considered a Fabrication and Production - Intensive use type under the Industrial category.
2. **Size of Site:** 9.64 acres.
3. **Existing Zoning (site):** “I1” Industrial District.
4. **Existing Land Use (site):** Undeveloped land, storage along the boundary with the parcel to the south, and Dean’s Lake.
5. **Adjacent Land Use and Zoning:**

North – “I1”; Uses include Dean Lake and Union Pacific Railroad property.

South – “I2”, “I1”; Uses include auto repair and tire business, vacant land, and Norfolk Southern Railway property.

East - “I1”; Uses include miscellaneous for the Union Pacific Railroad property.

West - “I1”; Use is Union Pacific Railroad right-of-way.

6. **General Neighborhood/Area Land Uses:** The subject property is located in a heavy industrial area north of East Market Street and generally east of Southeast 18th Street in the vicinity of multiple east/west railroad lines to the north and Martin Luther King Jr Parkway to the south.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood Association. All neighborhood associations were notified of the June 15, 2023, public hearing by emailing the Preliminary Agenda on April May 26, 2023, and the Final Agenda on June 9, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on May 26, 2023 (20 days prior to the public hearing) and June 5, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** None
9. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property has a future land use designation of “Industrial”. Plan DSM describes the designation as follows:

Industrial: Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large

impact on adjoining properties and the environment which would need to be mitigated.

The applicant is proposing to rezone the subject property to “I2” Industrial District.

The Zoning Ordinance states that the “I2” District is intended for general and higher intensity industrial uses as well as warehousing and transportation terminals. Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building, and Principal-Use Parking Structure.

Staff believes that industrial uses should be located in areas of the City that are already designated for those types of uses. The subject property is located in an area that is predominantly industrial in nature. Though this is an appropriate location, the subject site is within proximity and visible from the MLK Jr Parkway corridor which sits at a slightly higher elevation. Therefore, all outdoor storage proposed in the site should comply with supplemental design regulations applicable to height, setback and screening requirements from the south property line fronting East Market Street.

2. Conditional Use: Following a rezoning decision, a Conditional Use approval from the Zoning Board of Adjustment is required pursuant to Section 134-3.6.1. The Board considers the conditional use request based on applicable standards and review criteria of section 134-6.4.8 as outlined below:

1. The proposed geographic location and operation of the use or activity adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
2. The proposed use will not impair an adequate supply of light and air to surrounding property;
3. The proposed use will not unduly increase congestion in the streets, or public danger of fire, safety or flooding;
4. The proposed use will not diminish or impair established nearby property values;
5. The proposed use is consistent with the general purpose of this zoning ordinance, the planning and design ordinance, chapter 135 of this code, and the comprehensive plan and any specific purposes established in this zoning ordinance for the subject use;
6. The proposed use in an F zoning district is fully in compliance with chapter 50 of this code;
7. The proposed use shall have no significant detrimental impact on the use and enjoyment of adjoining properties;
8. Adequate setbacks shall be provided to protect adjacent residentially zoned property from nonresidential and institutional uses; and
9. No parking should be permitted in a required front yard of an N district unless shown to be compatible with the adjoining land use.

3. Planning and Design Ordinance: Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). Furthermore, the applicant will be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be utilized for the proposed use.

4. **Outdoor Storage:** Any outdoor storage relating to the proposed use within the property must comply with the following standards:

134-3.6.3.E Supplemental Use Regulations

Storage, distribution, and wholesaling uses are subject to the following:

1. Outdoor storage of inoperable or unsafe vehicles in quantities constituting a junk or salvage yard is prohibited.
2. No part of the use may be a residential use.
3. No odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance.
4. The owner or occupant has provided the neighborhood services department with a written statement upon a form acceptable to the neighborhood services director describing the use to occur upon the property and the nature of any odors, gases, noise, vibration, and other environmental impacts that may be generated by such use, and certifying that the use upon the property will be operated in a manner that does not permit any odors, gases, noise, vibration, pollution of air, water or soil, or lighting to be emitted onto any adjoining property so as to create a nuisance.
5. The use shall be operated in strict conformance with the statement provided pursuant to paragraph 4, above.

134-3.9.6 Accessory Uses

Permanent outdoor storage of goods, materials and equipment not typically housed or sold indoors, such as large-scale materials, recreational vehicles and boats when in connection with self-service storage, and building and landscape supplies, but excluding junk and salvage yards.

- A. Accessory outdoor storage is permitted in any I district when associated with an industrial use or self-service storage use; in any EX district when associated with a warehouse, wholesale sales and distribution, or artisan or limited fabrication and production use; and in any CX, EX or I1 district when associated with large-format retail use.
- B. The location and stacking height of outdoor storage materials shall be subject to the requirements of chapter 135 of this code.
- C. Materials shall be set back from each lot line a minimum distance as established in, and subject to review pursuant to, chapter 135 of this code.
- D. All outdoor storage areas shall be screened from view of adjacent lots and streets in accordance with, and subject to review pursuant to, chapter 135 of this code.
- E. No person shall park, place, keep or store, or permit the parking or storage of, a stock car, racing car, inoperable or unsafe vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property unless it shall be in a completely enclosed building. This subsection shall not apply to legitimate businesses operating in a lawful place and manner; provided, however, that such outside areas are screened from public view.

135-8.2.2 Site Planning Standards

- A. All outdoor storage areas shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks.

- B. All outdoor storage areas shall be maintained with both a dustless surface, including asphaltic or Portland cement binder pavement or other surface approved by the city engineer, graded to drain properly and a drainage system approved by the city engineer.
- C. All outdoor storage areas shall be set back a minimum of 25 feet from any street frontage and a minimum of 10 feet from all other lot lines.
- D. All outdoor storage areas shall be screened from view of adjacent lots and streets using the medium side and rear buffer per section 135-7.8.3 of this chapter, unless adjacent to an N district or visible from a public corridor as determined by the development services director which requires the use of the heavy buffer per section 135-7.8.4 of this chapter.
- E. All outdoor storage shall be located in the rear or interior side yard of the lot.
- F. Loose materials shall not be stacked higher than six feet and shall, at a minimum, be stored in a three-sided covered shelter.
- G. Goods, materials and equipment shall not be stacked higher than the height of the perimeter screening.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper asked if water quality could become an issue.

Sreyoshi Chakraborty stated the City's Engineering staff recommended treatment along the lake to make sure there is not runoff from the site.

Jason Van Essen noted that level of detail would be reviewed during the site plan process.

Abby Chungath asked if there are concerns of the dust effecting vehicles on the road.

Sreyoshi Chakraborty stated that would be covered under the supplemental use regulations. They must keep odors, gases, noise, vibration, pollution of air, water, soil, or lighting off any adjoining property.

Jason Van Essen stated this is a conditional use and isn't allowed by-right. The Zoning Enforcement officer could bring this back for reconsideration by the Board of Adjustment if they are not meeting criteria of the conditional use.

Audrey Higgins, 13293 South 88th Avenue West, Prairie City, IA stated they are purposing a recycled aggregate business that would stage and crush the recycled concrete onsite. They would be accepting concrete from outside sources under strict regulations with 20-50 trucks bringing in or hauling away concrete each day. There would be 1 crusher, 2 conveyer, a wheel loader and 2 or 3 excavators. They would be adding fence around the perimeter of the property along with berms and trees. To protect them from trespassing and illegal dumping, gates will be placed at the entrances.

Carol Maher asked if the pile of concrete would exceed the required 6-feet in height.

Audrey Higgins stated it would exceed 6 feet when the concrete is being processed. During the Pre-Application meeting, city staff recommended 3-sided structures with covers

on top. Once the concrete is processed, it would be move into the 3-sided concrete storage structures.

Carol Maher asked how this process can be dustless.

Audrey Higgins stated the crusher has water that pumps through to mist the concrete as it is being crushed.

Carol Maher asked where water from the crusher would go.

Audrey Higgins stated it is a mist that ends up on the material itself, there would be no water runoff from the crusher.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Chris Draper made a motion for:

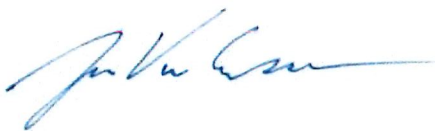
Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

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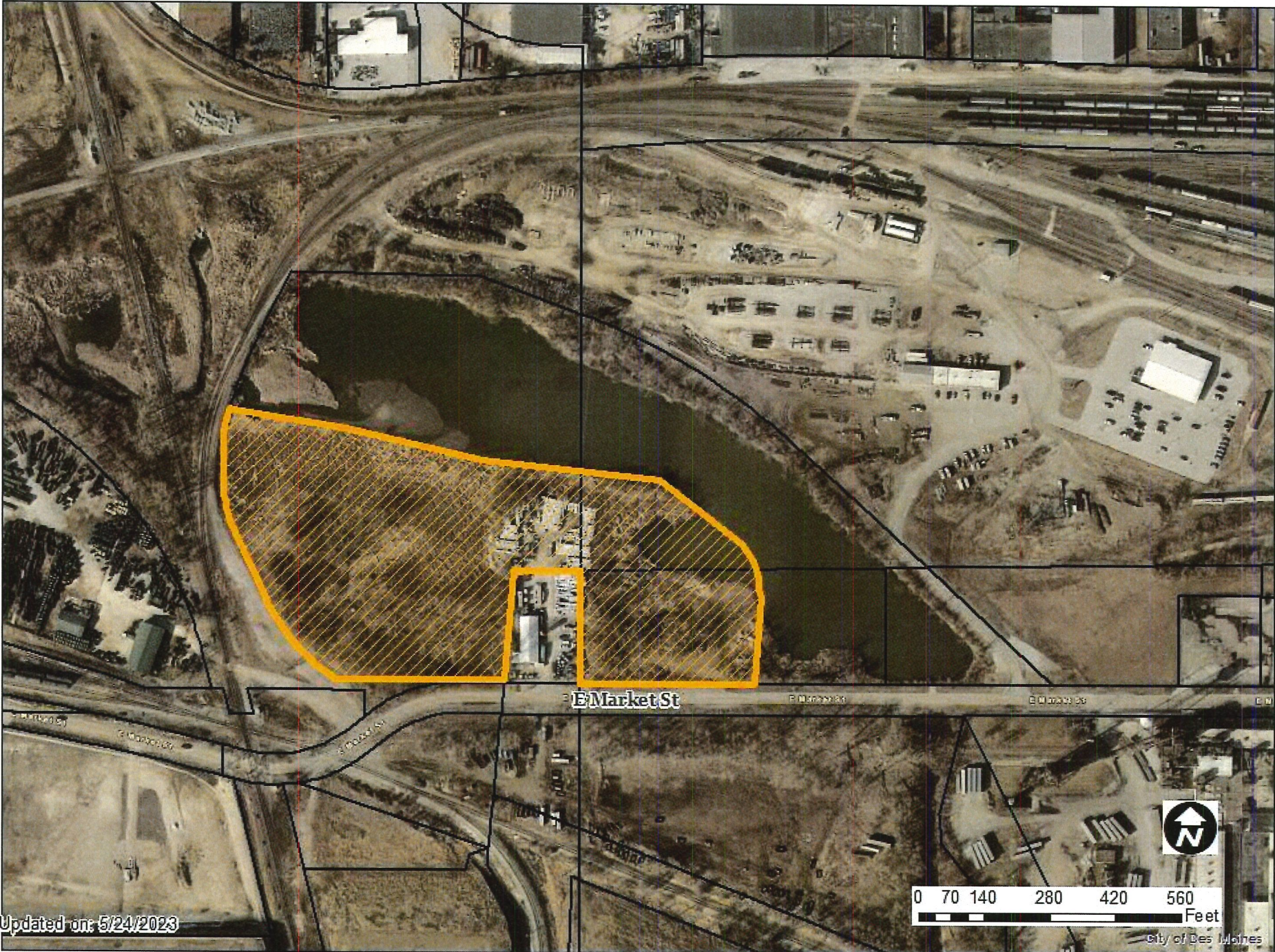
Motion passed: 11-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 5/24/2023

0 70 140 280 420 560 Feet



City of Des Moines

1 inch = 271 feet

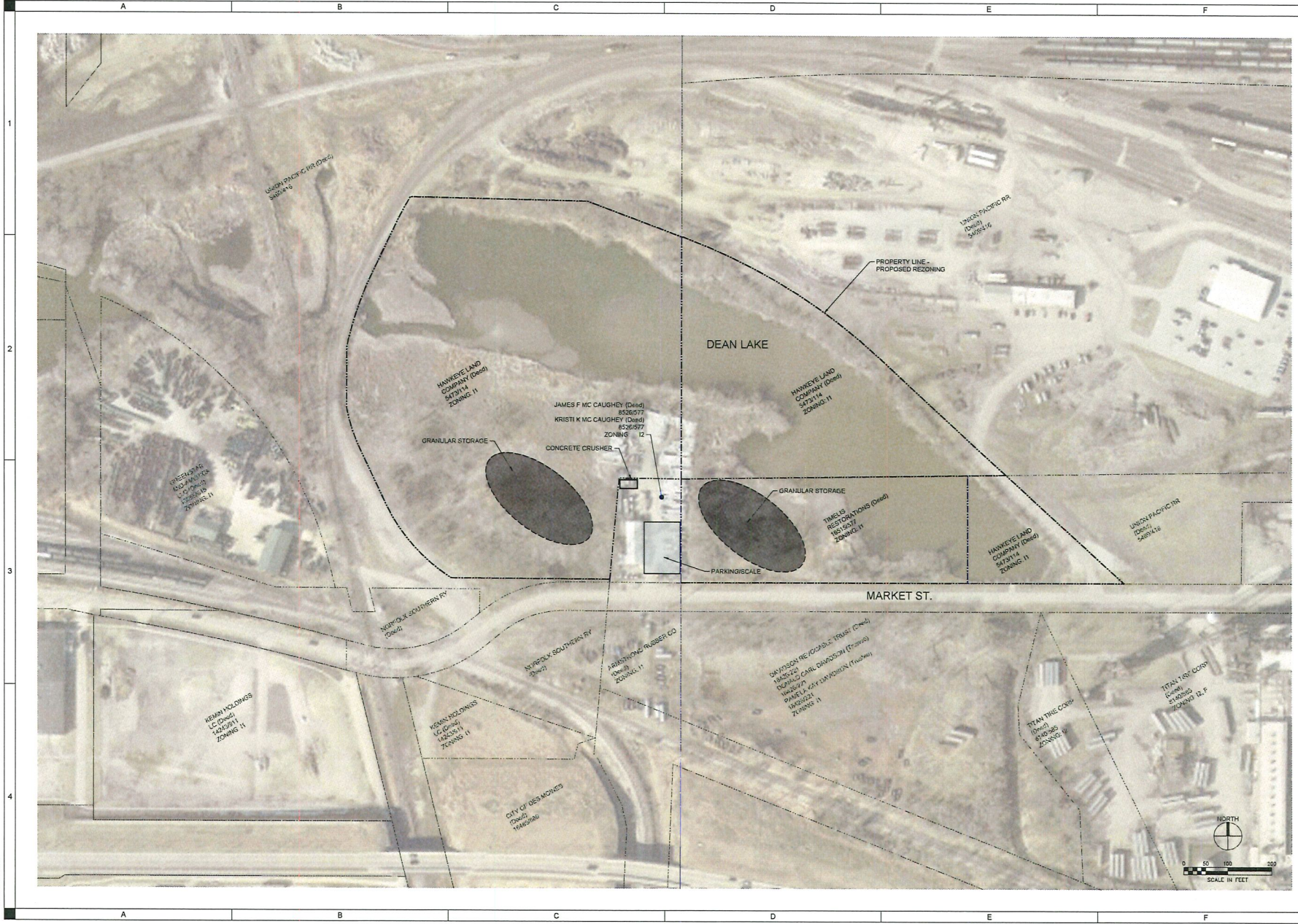








PROJECT: MARKET STREET GRANULAR STORAGE
DATE: 11/20/2019



SHIVE-HATTERY
ARCHITECTURE + ENGINEERING

1505 WESTERN PARK BLVD. 500
WEST DES MOINES, IOWA 50309
515.224.9141 | SHIVE-HATTERY.COM

MARKET STREET GRANULAR STORAGE

**PRELIMINARY
- NOT FOR
CONSTRUCTION**

DATE	11/20/2019
ISSUED FOR	CITY REVIEW
ISSUE DATE	2019/10/07
PROJECT NUMBER	21030200
FIELD BOOK	-

REZONING EXHIBIT

EX1

MARKET STREET, DES MOINES, IA 50388



Prairie City, IA - Tel: (515) 994-2648
www.rwexcavating.com

April 28, 2023

To: Planning Staff

From: R.W. Excavating, Dan Wilson

Re: Neighborhood Meeting Summary ZONG-2023-000024

1. Efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held;

Neighbors (see below) were notified by letter on April 21, 2023, of the meeting scheduled and held at the East Side Public Library on April 28, 2023, at 10:15a.m. This letter gave contact information for our company and a note that a virtual option could be made available upon request.

Neighbors Identified by the City of Des Moines who were notified:

- Titan Tire Corp
- Davidson Revocable Trust
- James McCaughey
- Union Pacific Rr
- Hawkeye Land Company
- Greenstar Mid-America LLC
- Timelis Restorations
- Kemin Holdings LC
- Norfolk Southern Ry
- Armstrong Rubber Co
- Norfolk Southern Ry
- Jack Leachman
- Tina Payton

2. Who was involved in the discussions;

Pamela, a representative for the Davidson Revocable Trust, contacted our office to discuss the matter via telephone.

Matthew Madison, Global Construction Manager for Kemin Industries, attended the meeting.

3. Suggestions and concerns raised by neighbors; and

Pamela expressed that she would be grateful for the area being cleaned up. Her only reservation expressed was that the taxes might be raised.

Matthew Madison expressed that his company's interest is that the area remains industrial. He was given a copy of the current zoning in the area, a mock-up of some possible berms that may be installed and the tentative site plan prepared by Shive-Hattery.

Both Pamela and Matthew were informed that we are applying for rezoning from I-1 to I-2 and that we would be making improvements to the lots including installing fence, possible berms and that we would be making recycled aggregate.

4. What specific changes, if any, were considered or made as a result of the neighbor meetings.

No suggestions or changes were proposed or agreed upon.

ZONG-2023-000024

Item: _____ Date: 6-8-23

Please mark one of the following:

- I support the request.
- I am undecided
- I oppose the request

<p>Staff Use Only RECEIVED COMMUNITY DEVELOPMENT JUN 14 2023</p>
--

Titleholder Signature: James McCaughey

Name/Business: JAMES McCaughey

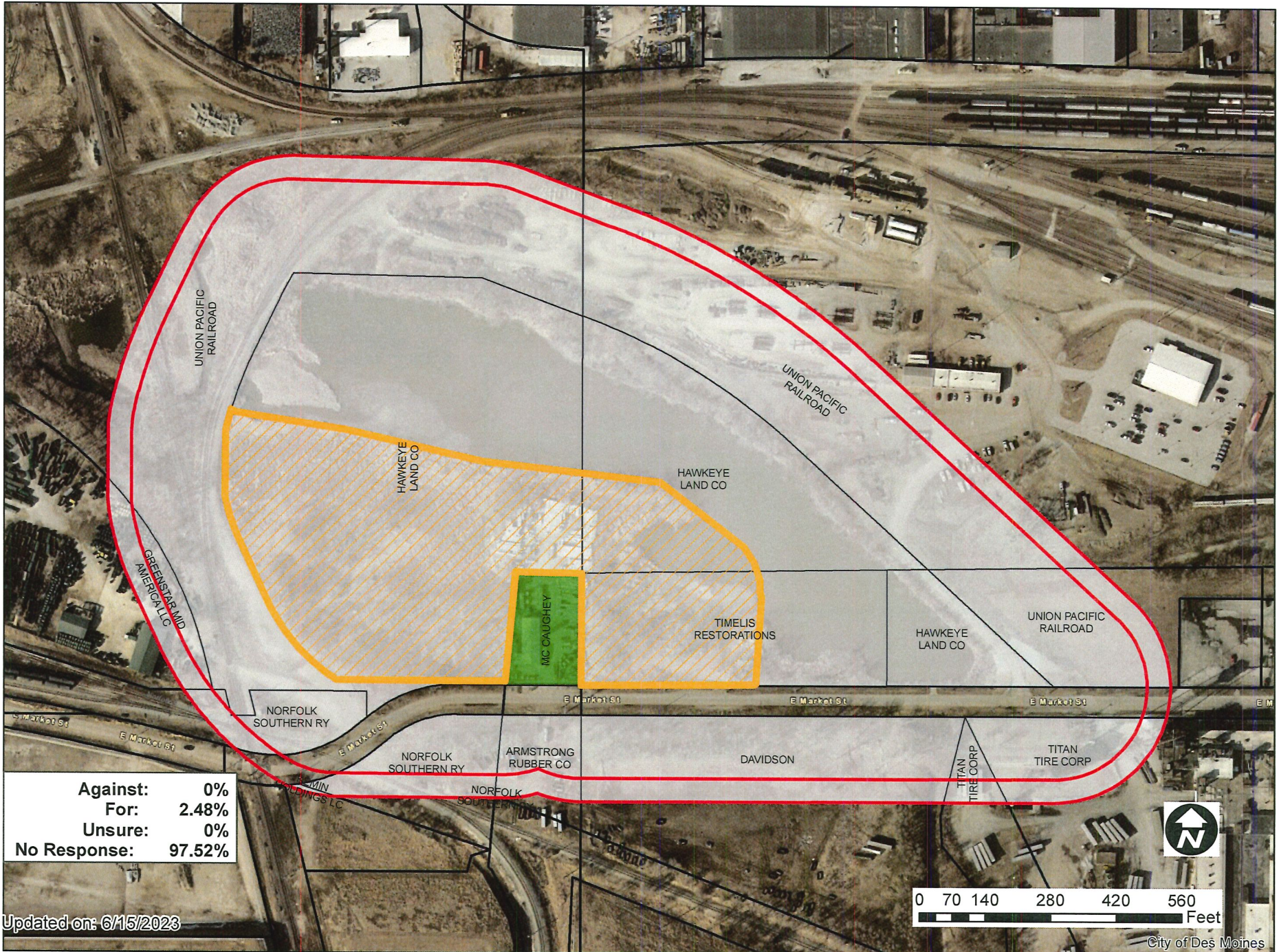
Impacted Address: 2142 E. Market DMIA 50317

Comments: _____

22

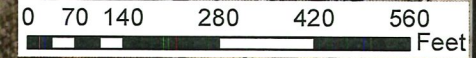
Timelis Restorations and Hawkeye Land Company, Vicinity of 2142 East Market Street

ZONG-2023-000024



Against:	0%
For:	2.48%
Unsure:	0%
No Response:	97.52%

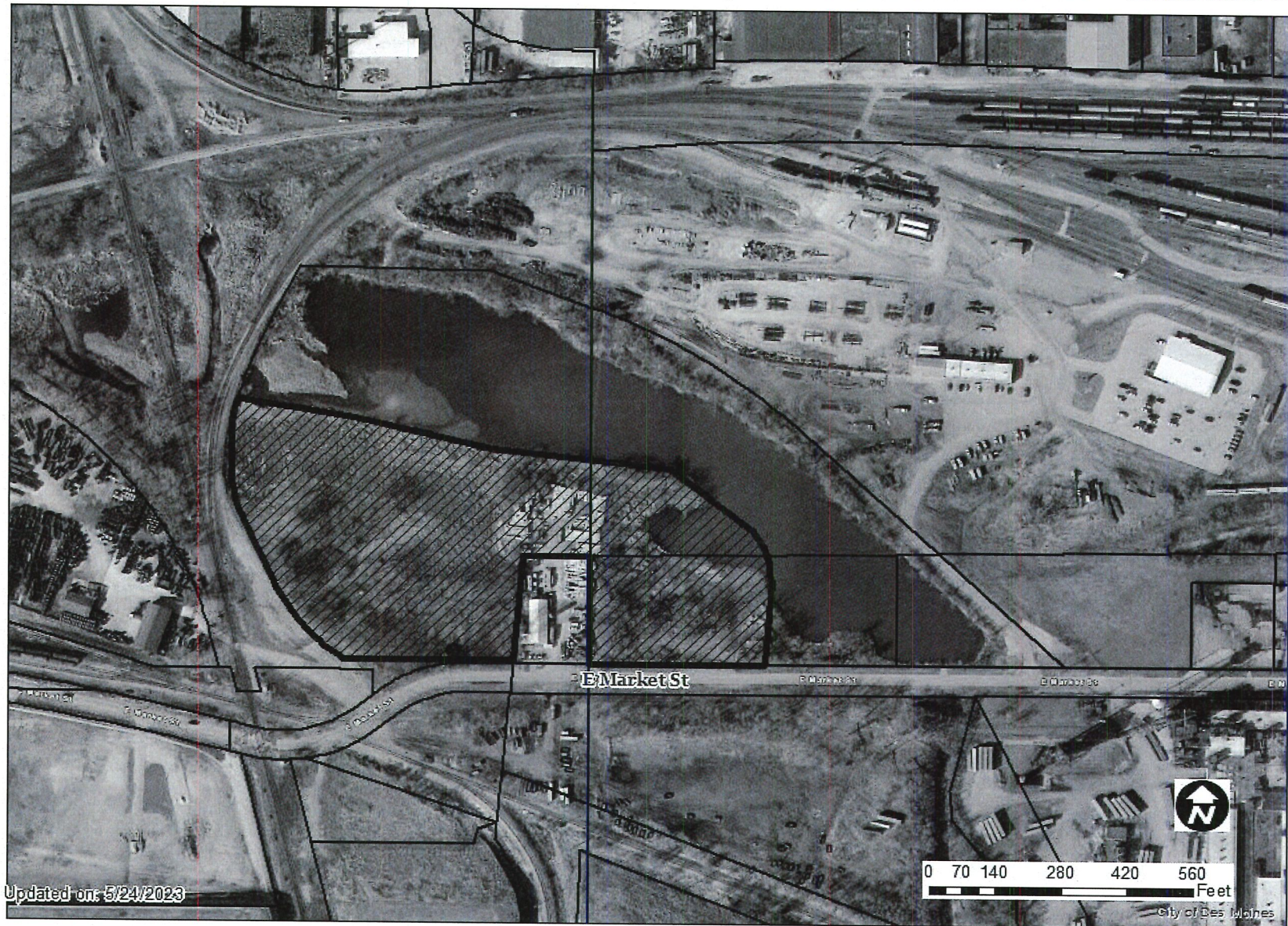
Updated on: 6/15/2023



City of Des Moines

1 inch = 271 feet

Timelis Restorations and Hawkeye Land Company, Vicinity of 2142 East Market Street ZONG-2023-000024



1 inch = 271 feet

NOTICE OF PUBLIC HEARING ON REZONING

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Timelis Restorations (Owner) represented by Carl Wiederaenders (Officer) and Hawkeye Land Company (Owner) represented by Rick Stickle (Officer), for the following regarding four (4) parcels located in the vicinity of 2142 East Market Street: for the proposed rezoning from "I1" Industrial District to Limited "I2" Industrial District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial, and to rezone the property from "I1" Industrial District to Limited "I2" Industrial District, to allow the use of the property for a staging area for concrete recycling and storage yard, subject to conditions set forth in the resolution:

AN IRREGULAR SHAPED PORTION OF LAND LYING IN PART OF LOTS 21 AND 22 OF BROOKS & COS ADDITION, AN OFFICIAL PLAT AS RECORDED IN BOOK A, PAGE 59 OF THE POLK COUNTY RECORDER; PART OF LOT 1 OF DIAGRAM A DEAN'S ESTATE, AN OFFICIAL PLAT; PART OF LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 304 OF THE POLK COUNTY RECORDER; AND PART OF LOT 3 OF THE OFFICIAL PLAT OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 136 OF THE POLK COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON ROD WITH ORANGE IDENTIFICATION CAP #12265, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE WEST 653 FEET NORTH OF MARKET STREET, LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED FOUND IN BOOK 16515, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "TIMELIS RESTORATIONS PARCEL"); THENCE N00°08'10"E ALONG THE WEST LINE OF SAID TIMELIS RESTORATIONS PARCEL, A DISTANCE OF 238.50 FEET TO THE NORTHWEST CORNER OF SAID TIMELIS RESTORATION PARCEL; THENCE CONTINUING N00°08'10"E ALONG THE EAST LINE OF THE NORTH 300 FEET OF LOT 4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED RECORDED IN BOOK 8526, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "MCCAUGHEY PARCEL"), TO THE NORTHEAST CORNER OF SAID MCCAUGHEY PARCEL; THENCE N89°42'43"W ALONG THE NORTH LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 138.60 FEET TO THE NORTHWEST CORNER OF SAID MCCAUGHEY PARCEL; THENCE S05°20'49"W ALONG THE WEST LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 245.51 FEET TO THE ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET AS DESCRIBED IN THE DEED RECORDED IN BOOK 5469, PAGE 452 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "UNION PACIFIC DEED"); THENCE N89°37'34"W ALONG SAID ORIGINAL NORTH RIGHT-OF-WAY LINE OF