



Roll Call Number

20-1287

Agenda Item Number

63

Date August 5, 2020 reconvened from August 3, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM SPOTFREE CAR WASH, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3104 INDIANOLA AVENUE**

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1109, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spotfree Car Wash, LLC (owner), represented by Allen Hansen (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3104 Indianola Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to Limited MX3 Mixed Use District and continuation of the existing car wash as a use permitted by right, subject to conditions stated below; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spotfree Car Wash, LLC to rezone the Property from N3a Neighborhood District to Limited MX3 Mixed Use District for the above-described purpose, subject to the following conditions:

- (1) Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment.
- (2) All other uses permitted by right or by conditional use shall only be those uses allowed in common with and as limited in the RX1 Mixed Use District; and

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1109, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on August 3, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community; 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 land use amendment and rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed land use amendment and 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 locally known as 3104 Indianola Avenue, legally described as:



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LOTS 50, 51, 52, AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT AND LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT:

AN IRREGULAR PARCEL IN LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT, AND IN LOTS 52 AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTHWEST LINE OF LOT 70, JEFFERSON HEIGHTS REPLAT,

5.0 FEET SOUTHWEST OF THE NORTHWEST COMER OF LOT 70; THENCE SOUTHEASTERLY, ALONG A LINE PARALLEL TO THE NORTHEAST LOT LINE 21.0 FEET TO THE POINT OF CURVATURE OF A HORIZONTAL CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1355.8 FEET; THENCE CONTINUING ALONG THE CURVE TO THE SOUTHEAST LINE OF LOT 71, JEFFERSON HEIGHTS REPLAT, BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE CURVE 342.25 FEET TO A POINT 21.0 FEET NORMALLY DISTANT FROM THE EAST LINE OF LOT 53; THENCE SOUTHEAST, ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 53, 32.43 FEET; THENCE SOUTHWEST, TO THE SOUTH LINE OF LOT 53, 46.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 53; THENCE EAST ALONG THE SOUTH LOT LINE TO THE SOUTHEAST CORNER OF LOT 53; THENCE NORTHWEST, ALONG THE EAST AND NORTHEAST LINES OF LOTS 53, 52 AND 72, TO THE NORTHWEST CORNER OF LOT 72; THENCE SOUTHWEST, ALONG THE NORTHWEST LINE OF LOT 72, 5.6 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

PARCEL "D" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA;

AND

EXCEPT PARCEL "B" AND PARCEL "C" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, COVENANTS, AND RESERVATIONS OF RECORD.

from N3a Neighborhood District to Limited MX3 Mixed Use District, to allow continuation of the existing car wash as a use permitted by right, subject to the conditions stated above.



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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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM future land use designation or rezoning of the Property to Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 3104 Indianola Avenue to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited MX3 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.09)
(ZON2020-00061)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. KAY CMELIK, 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.

MOTION CARRIED APPROVED
J.M. Frankhu Cownie Mayor

P. Kay Cmelik City Clerk