

20-1386

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Date August 17, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM SPOT FREE CAR WASH, LLC, TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1437 EAST 14<sup>TH</sup> STREET AND 1518 IDAHO STREET AND TO REZONE PROPERTY LOCATED AT 1421, 1427, AND 1433 EAST 14<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free 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 1437 East 14<sup>th</sup> Street and 1518 Idaho Street from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Neighborhood Mixed Use to allow rezoning to Limited MX3-V Mixed Use District and continuation of the existing car wash as a use permitted by right; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on July 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free Car Wash, LLC to rezone the Property at 1437 East 14<sup>th</sup> Street and 1518 Idaho Street from “N3c” Neighborhood District and “RX-1” Mixed Use District to Limited “MX3-V” Mixed Use District to allow continuation of the existing car wash defined as a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, as a use permitted by right, and to rezone 1421, 1427, and 1433 East 14<sup>th</sup> Street from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, to allow reuse and/or redevelopment of the property for Mixed Use, 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 within the “MX3-V” Mixed Use District Portion; and
- (2) All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District;

and

**WHEREAS**, on August 3, 2020, by Roll Call No. 20-1212, 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 17, 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



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**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 1421, 1427 and 1433 East 14<sup>th</sup> Street, and 1437 East 14<sup>th</sup> Street and 1518 Idaho Street, legally described as follows; and

A. PROPERTY TO BE REZONED LIMITED MX3-V (1437 EAST14TH STREET, 1518 IDAHO STREET AND VACATED ALLEY).

PARCEL 2017-22 AND PARCEL 2017-23 OF LOTS 224 AND 235 AND OF VACATED NORTH/SOUTH ALLEY BETWEEN SAID LOTS AND OF ABANDONED CHICAGO & NORTHWESTERN RAILWAY RIGHT-OF-WAY NORTH OF LOT 235 AND OF SAID VACATED ALLEY, ALL IN ASHBROOK, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN A PLAT OF SURVEY RECORDED IN BOOK 16415, PAGE 458 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA.

THE VACATED SOUTH 20 FEET OF 235, ASHBROOK, AN OFFICIAL PLAT, AND THE VACATED NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE VACATED SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

B. PROPERTY TO BE REZONED TO RX1 (1433, 1427, AND 1421 EAST 14TH STREET)

LOTS 236, 237, 238, AND 239 IN ASHBROOK, 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. 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-V Mixed Use District and to RX-1 Mixed

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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 1437 East 14<sup>th</sup> Street and 1518 Idaho Street to Community Mixed Use and Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the 1437 East 14<sup>th</sup> Street and 1518 Idaho Street, as legally described above, to Limited MX3-V 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.
4. The proposed rezoning of 1433, 1427 and 1421 East 14<sup>th</sup> Street, as legally described above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved to RX-1 Mixed Use District, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY *Westergaard* TO ADOPT.

FORM APPROVED:

*Judy K Parks-Kruse*  
 Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.12)  
 (ZON2020-00073)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

*J. M. Franklin Cownie*  
 Mayor

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.

*P. Kay Cmelik*

City Clerk