



**Roll Call Number**

21-1407

**Agenda Item Number**

15

**Date** September 13, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM MCKEE AUTO CENTER, INC.  
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE  
PROPERTY LOCATED AT 4131 AND 4141 EAST 14<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 19, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from McKee Auto Center, Inc. (Owner), represented by Anthony McKee (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 4131 and 4141 East 14<sup>th</sup> Street (“Property”) from Community Mixed Use to Industrial to allow rezoning to Limited ‘I1’ Industrial District, to remove the prohibitions on Vehicle Sales and Trucking and Transportation Terminal uses, and to allow Major Vehicle Maintenance/Repair uses; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on August 19, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from McKee Auto Center, Inc. (Owner), represented by Anthony McKee (officer), to rezone the Property from ‘MX3-V’ Mixed Use District and ‘I1-V’ Industrial District to Limited ‘I1’ Industrial District for the above-stated purpose, subject to the following condition:

1. That any reuse, construction, or site improvements upon the properties shall be in accordance with a Site Plan that complies with all current regulations, including those pertaining to landscaping and screening; and

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

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 24, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTH 126.0 FEET OF THE NORTH 331.0 FEET OF THE EAST 249.2 FEET OF THE WEST 282.2 FEET OF THE EAST 115.0 FEET OF THE WEST 148.0 FEET OF THE SOUTH 114.0 FEET OF THE NORTH 445.0 FEET OF SAID NW ¼ OF THE SW ¼ OF SECTION 24, AS SHOWN ON ACQUISITION PLAT, RECORDED IN BOOK 7510 ON PAGE 438, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE W ¼ CORNER OF SAID SECTION 24; THENCE S 0°00’00” E, 205.08 FEET OF THE WEST LINE OF THE SW ¼ OF SAID SECTION 24; THENCE N 89°30’05” E, 51.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°30’05” E, 231.35 FEET; THENCE S 00°07’58” W 125.93 FEET; THENCE S 89°20’43” W 134.15 FEET; THENCE S 00°00’00” E, 113.88 FEET; THENCE 89°31’34” W, 101.43 FEET; THENCE N 01°55’32” E, 133.60 FEET; THENCE N 00°00’00” W; 106.63 FEET TO THE POINT OF BEGINNING; AND BEGINNING AT A POINT 33 FEET EAST AND 25 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 79 NORTH, RANGE 24, WEST OF THE 5TH P.M.; THENCE EAST ALONG THE SOUTH



Roll Call Number

21-1407

Agenda Item Number

15

Date September 13, 2021

LINE OF AURORA AVENUE, 249.2 FEET; THENCE SOUTH 180 FEET PARALLEL TO THE EAST LINE OF EAST 14TH STREET; THENCE WEST 249.2 FEET PARALLEL TO THE SOUTH LINE OF AURORA AVENUE; THENCE NORTH 180 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO ROAD EASEMENT.

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 amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on October 4, 2021, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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 Boesen TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-0000019)
(ZONG-2021-0000003)

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

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.

J. M. Franckh Cownie Mayor

P. Kay Cmelik City Clerk