



Roll Call Number

21-1476

Agenda Item Number

25

Date October 4, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION, AND TO REZONE THE PROPERTY LOCATED AT 2399 EAST COUNTY LINE ROAD (ALONG THE SOUTH SIDE OF EAST COUNTY LINE ROAD IN WARREN COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2399 East County Line Road ("Property") from Business Park to Industrial to allow rezoning to 'I2' Industrial District, to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production Use, and for a Junk and Salvage Yard use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (officer), to rezone the Property from 'EX-V' Mixed Use District to 'I2' Industrial District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, LYING NORTHEAST OF THE HIGHWAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°06'33"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.05 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY LINE ROAD AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE CONTINUING S00°06'33"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1236.79 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF US HIGHWAY 69 AS IT IS PRESENTLY ESTABLISHED; THENCE N33°38'28"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 601.92 FEET; THENCE N44°29'14"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 302.42 FEET; THENCE N63°50'19"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF



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48.51 FEET; THENCE N41°55'55"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 111.92 FEET; THENCE N48°21'43"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 643.70 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD; THENCE S89°20'50"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD, A DISTANCE OF 264.10 FEET; THENCE S67°36'44"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 164.97 FEET; THENCE S89°29'43"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 298.89 FEET; THENCE N59°21'37"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 116.82 FEET; THENCE S89°23'27"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 326.44 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

CONTAINING 13.65 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 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 18, 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 Gatto TO ADOPT.



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APPROVED AS TO FORM:

Judy K. Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-0000069)
(21-2021-4.18)

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

APPROVED

J. M. Franckh 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