



Roll Call Number

21-1507

Agenda Item Number

46

Date October 4, 2021

RESOLUTION HOLDING 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 14TH STREET

WHEREAS, on September 13, 2021, by Roll Call No. 21-1407, the City Council received a communication from the City Plan and Zoning Commission advising 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 14th 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, on September 13, 2021, by Roll Call No. 21-1407, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on October 4, 2021 at 5:00 P.M., in the Council Chambers; 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and proposed 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 4131 and 4141 East 14th Street, legally described as:



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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 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.

from 'MX3-V' Mixed Use District and 'I1-V' Industrial District to Limited 'I1' Industrial District, subject to the above-stated condition.

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 PlanDSM and proposed rezoning of the Property to Limited 'I1' Industrial District, are hereby overruled, and the hearing is closed.



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2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Community Mixed Use to Industrial is hereby approved.

3. The proposed rezoning of the Property, as legally described above, to Limited 'I1' Industrial 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 Westergaard TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse

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 (7 yeas).

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. Franke Cownie Mayor

P. Kay Cmelik

City Clerk