



Roll Call Number

21-1593

Agenda Item Number

48

Date October 18, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2400 EAST COUNTY LINE ROAD (ALONG THE NORTH SIDE OF EAST COUNTY LINE ROAD IN POLK COUNTY)

WHEREAS, on October 4 2021, by Roll Call No. 21-1477, the City Council received a communication from the City Plan and Zoning Commission advising 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 (Owner), represented by Ryan Stansberry (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property generally located at 2400 East County Line Road ("Property") from Low Density Residential to Business Park to allow rezoning to 'EX' Mixed Use District to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office 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 from MidAmerican Energy (Owner), represented by Ryan Stansberry (Officer) to rezone a 3.49- acre portion of the Property from 'N2b' Neighborhood District to 'EX' Mixed Use District for the above-stated purpose; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1477, 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 18, 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 2400 East County Line Road, legally described as:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH/ P.M., POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 96.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 229.49 FEET;

★ Roll Call Number

21-1593

Agenda Item Number

48

Date October 18, 2021

THENCE N70°25'21"W, A DISTANCE OF 105.79 FEET; THENCE N00°24'50"E, A DISTANCE OF 431.23 FEET; THENCE S89°49'17"E, A DISTANCE OF 329.03 FEET TO THE WEST LINE OF PARCEL I AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9242 AT PAGE 184; THENCE S00°21'58"W ALONG THE WEST LINE OF SAID PARCEL I, A DISTANCE OF 468.11 FEET TO THE POINT OF BEGINNING.

151,984 SQUARE FEET

from 'N2b' Neighborhood District to 'EX' Mixed Use District.

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 'EX' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Business Park to is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'EX' 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.

APPROVED, AS TO FORM:

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

(ZONG-2021-000012)
(ZONG2021-000011)

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

J. M. Franklin Coore
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