



Roll Call Number

22-0945

Agenda Item Number

69

Date June 13, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM KRAUSE PROPERTIES, LC (OWNER), REPRESENTED BY CHARLEY W. CAMPBELL (OFFICER), FOR PROPERTY AT 2500 SOUTHEAST 43RD STREET.

WHEREAS, on May 23, 2022, by Roll Call No. 22-0780, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 5, 2022, the City Plan and Zoning Commission voted 13-0 in support of a motion finding that the proposed rezoning was inconsistent with PlanDSM future land use map; and

WHEREAS, on May 23, 2022, by Roll Call No. 22-0780, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 5, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request by Krause Properties, LC (owner), represented by Charley W. Campbell (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Business Park to Industrial; and

WHEREAS, on May 23, 2022, by Roll Call No. 22-0780, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on May 5, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request by Krause Properties, LC (owner), represented by Charley W. Campbell (officer) to rezone from "EX" Mixed Use District to "I2" Industrial District for property located at 2500 Southeast 43rd Street to allow the use of the property as a truck parking facility; and

WHEREAS, on May 23, 2022, by Roll Call No. 22-0780, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on June 13, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

PARCEL "D"

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23, WEST OF THE 5TH P.M., ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER (N ¼) CORNER OF SAID SECTION 17; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17, A DISTANCE OF 2,087.54 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 559.14



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FEET TO THE CENTER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST; THENCE NORTH 87 DEGREES 56 MINUTES 04 SECONDS WEST A DISTANCE OF 1,314.77 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 29 SECONDS WEST A DISTANCE OF 568.63 FEET; THENCE SOUTH 87 DEGREES 31 MINUTES 23 SECONDS EAST A DISTANCE OF 1,316.05 FEET TO THE POINT OF BEGINNING, CONTAINING 17.014 ACRES, MORE OR LESS, EXCEPT PUBLIC ROAD RIGHT OF WAY; 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 the Zoning Ordinance and PlanDSM Comprehensive Future Land Use Plan amendment; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from “EX” Mixed Use District to “I2” Industrial District; and

WHEREAS, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The communication from the Plan and Zoning Commission is hereby received and filed.
2. 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: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for 2500 Southeast 43rd Street, or the proposed rezoning of the Property from “EX” Mixed Use District to “I2” Industrial District are hereby received and filed, any and all objections to the proposed amendment and rezoning of the Property to “I2” Industrial District are overruled, and the hearing is closed.
3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 2500 Southeast 43rd Street to Industrial is hereby approved.
4. The proposed rezoning of the Property, as legally described above, to “I2” Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan as amended and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, Inouemaker, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk