



**Roll Call Number**

22-1048

**Agenda Item Number**

53 ✓

**Date** June 27, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM ROLL-OFFS OF DES MOINES, INC. REGARDING PROPERTY LOCATED IN THE VICINITY OF 20 E. 18<sup>TH</sup> STREET TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM LOW-DENSITY RESIDENTIAL TO INDUSTRIAL AND TO REZONE THE PROPERTY FROM “N3C” NEIGHBORHOOD DISTRICT TO “I2” INDUSTRIAL DISTRICT**

**WHEREAS**, on June 13, 2022, by Roll Call No. 22-0880, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 19, 2022, the City Plan and Zoning Commission voted 10-1-1 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. 22-0880, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 19, 2022, its members voted 10-1-1 in support of a motion to recommend **APPROVAL** of a request from Roll-Offs of Des Moines, Inc. (Owner), represented by Anthony Holt (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of 20 E. 18<sup>th</sup> Street from Low-Density Residential to Industrial; and

**WHEREAS**, on June 13, 2022, by Roll Call No. 22-0880, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on held on May 19, 2022, its members voted 10-1-1 in support of a motion to recommend **APPROVAL** of a request from Roll-Offs of Des Moines, Inc. (Owner), represented by Anthony Holt (Officer), to rezone the Property from “N3c” Neighborhood District to “I2” Industrial District; and

**WHEREAS**, on June 13, 2022, by Roll Call No. 22-0880, 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 27, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCELS 2018-128 AND 2018-129, BOTH RECORDED IN BOOK 17105, PAGE 811 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

PARCEL 2018-130 AS RECORDED IN BOOK 17105, PAGE 817 IN THE OFFICE OF THE POLK COUNTY RECORDER;



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AND

LOTS 9 THRU 14, BLOCK 1, I. N. THOMAS SUBDIVISION, AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

ALL THAT PART OF THE SE. ASTOR STREET PUBLIC ROAD RIGHT-OF-WAY LYING WEST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH STREET PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH COURT PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-129 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST VINE STREET PUBLIC ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJOINING PARCEL 2018-130 LYING WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST-WEST PUBLIC ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12 THRU 14 IN BLOCK 1, I. N. THOMAS SUBDIVISION AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER; and



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**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 "N3c" Neighborhood 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. 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 20 E. 18<sup>th</sup> Street, or the proposed rezoning of the Property from "N3c" Neighborhood 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.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 20 E. 18<sup>th</sup> Street to Industrial is hereby approved.
3. 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.

Moved by Gatto to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.  
Assistant City Attorney



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED				

APPROVED

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