



**Roll Call Number**

22-1052

**Agenda Item Number**

55

**Date** June 27, 2022

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM EXODUS GROUP INVESTMENT, LLC (OWNER) REPRESENTED BY JERET KOENIG (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 1717 EAST ARMY POST ROAD, 1825 EAST ARMY POST ROAD, AND 1895 EAST ARMY POST ROAD, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM BUSINESS PARK AND MEDIUM DENSITY RESIDENTIAL TO INDUSTRIAL USE, AND TO REZONE THE PROPERTY FROM “EX” MIXED USE DISTRICT TO “I1” INDUSTRIAL DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR USES SUCH AS WAREHOUSE, WHOLESALE SALES AND DISTRIBUTION, EQUIPMENT AND MATERIAL STORAGE - OUTDOOR, AND FABRICATION PRODUCTION - GENERAL**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 2, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Exodus Group Investments, LLC (owner), represented by Jeret Koenig (officer), for the proposed rezoning from “EX” mixed use District to “I1” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 2, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Exodus Group Investments, LLC (owner), represented by Jeret Koenig (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park and Medium Density Residential to Industrial; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on June 2, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Exodus Group Investments, LLC (owner), represented by Jeret Koenig (officer), to rezone the Property from “EX” Mixed Use District to “I1” Industrial District, to allow the use of the property for uses such as Warehouse, Wholesale Sales and Distribution, Equipment and Material Storage – Outdoor, and Fabrication and Production – General, subject to provision of the following setbacks for any primary or accessory building:

1. All outdoor storage within the site shall comply with Des Moines Municipal Code Section 135-8.2.2; and
2. Any use on the subject site shall be in accordance with an approved site plan; and

**WHEREAS**, the Property is legally described as follows:

The Northeast 1/4 of the Northwest 1/4 of Section 35, Township 78 North, Range 24 West of the 5th P.M., Polk County, Iowa.

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AND

The West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 78 North, Range 24 West of the 5th P.M., Polk County, Iowa.

AND

The East 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 35, Township 78 North, Range 24 West of the 5th P.M., Polk County, Iowa.

**WHEREAS**, on June 13, 2022, by Roll Call No. 0878, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on June 27, 2022, at 5:00 p.m., at the City 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, 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 and rezoning 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 Business Park and Medium Density Residential to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to "I1" Industrial District, to allow the use of the property for uses such as Warehouse, Wholesale Sales and Distribution, Equipment and Material Storage – Outdoor, and Fabrication and Production – General, subject to the conditions set forth above, is hereby 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 Boesen.

FORM APPROVED:

/s/ Lisa A. Wieland  
Lisa A. Wieland  
Assistant City Attorney

(ZONG-2022-000047; ZONG-2022-000045)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

Laura Baumgartner Acting City Clerk

