

★ **Roll Call Number**

.....22-1834

**Agenda Item Number**

.....53

**Date** ..... November 21, 2022

**HEARING ON REQUEST FROM ILEX GROUP, INC. (OWNER), REPRESENTED BY BEN SCHULTES (OFFICER) FOR PROPERTY LOCATED IN THE VICINITY OF 4600 EAST 14<sup>TH</sup> STREET, TO AMEND PLANDSM TO ASSIGN THE INDUSTRIAL WITHIN A COMMUNITY NODE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY FROM “A” AGRICULTURE DISTRICT TO “I1” INDUSTRIAL DISTRICT, TO ALLOW DEVELOPMENT OF AN INDUSTRIAL USE IN COORDINATION WITH THE PROPERTY ADJACENT TO THE WEST**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from ILEX Group, Inc. (owner), represented by Ben Schultes (officer), to determine the requested rezoning is not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, to amend the PlanDSM: Creating Our Tomorrow to assign the Industrial within a community node future land use designation for Property in the vicinity of 4600 East 14<sup>th</sup> Street, and to rezone the Property from “A” Agriculture District to “I1” Industrial District to allow development of an industrial use in coordination with the property adjacent to the west, and:

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

THE WEST 125.71 FEET OF THE EAST 241.71 FEET OF THE NORTH 191.71 FEET OF THE SOUTH 241.71 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TM</sup> P.M.,  
POLK COUNTY, IOWA,

AND

THE WEST 41 FEET OF THE EAST 116 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, EXCEPT THE SOUTH 241.71 FEET THEREOF, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TM</sup> P.M., POLK COUNTY, IOWA

**WHEREAS**, on November 7, 2022, by Roll Call No. 22-1727, 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 November 21, 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:



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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 assign the Industrial within a community node future land use designation for Property in the vicinity of 4600 East 14<sup>th</sup> Street is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "A" Agriculture District to "I1" Industrial District to allow development of an industrial use in coordination with the property adjacent to the west, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Gatto

**FORM APPROVED:**

/s/ Lisa A. Wieland

Lisa A. Wieland  
Assistant City Attorney

(ZONG-2022-000019 & ZONG-2022-000020)

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

MOTION CARRIED

APPROVED

T. M. Frankie Cownie Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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 City Clerk