



Roll Call Number

23-0296

Agenda Item Number

19

Date March 6, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM PENSKE TRUCK LEASING COMPANY, LP (OWNER), REPRESENTED BY GUY HOLBERT (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM COMMUNITY MIXED USE TO INDUSTRIAL AND TO REZONE THE PROPERTY LOCATED AT 4101 E 14TH STREET FROM "MX3-V" MIXED USE DISTRICT TO "I1" INDUSTRIAL DISTRICT, TO ALLOW EXPANSION AND SITE IMPROVEMENTS FOR THE EXISTING TRUCK PARKING FACILITY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023, its members voted 12-0 in support of a motion finding the requested rezoning for Property located at 4101 E 14th Street is not in conformance with the existing PlanDSM future land use designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Penske Truck Leasing Company, LP (owner), represented by Guy Holbert (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 4104 E 14th Street from Community Mixed Use to Industrial; to rezone the Property from "MX3-V" Mixed Use District to "I1" Industrial District to allow expansion and site improvements for the existing truck parking facility, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

THE WEST 7 ACRES OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 114 OF THE EAST 115 FEET OF THE WEST 148 FEET THEREOF; AND EXCEPT THE SOUTH 25 FEET OF THE EAST 535.5 FEET OF THE WEST 386.5 FEET THEREOF; AND EXCEPT THE WEST 33 FEET THEREOF; AND EXCEPT THAT PART CONDEMNED BY THE STATE OF IOWA IN CONDEMNATION PROCEEDINGS FILED NOVEMBER 11, 1996 IN THE POLK COUNTY RECORDER'S OFFICE IN BOOK 7520 , PAGE 230 AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE NORTH 89°30'05" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 33.00 FEET; THENCE SOUTH 00°00'00" EAST ALONG THE PRESENT EAST RIGHT OF WAY OF EAST 14TH STREET (HIGHWAY 69) EXTENDED, 445.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH



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89°24'45" EAST, 13.62 FEET TO THE NEW EAST RIGHT OF WAY LINE OF SAID EAST 14TH STREET (HIGHWAY 69); THENCE SOUTH 01°54'33" WEST ALONG SAID NEW RIGHT OF WAY LINE, 177.61 FEET; THENCE SOUTH 00°00'00" EAST ALONG SAID NEW RIGHT OF WAY LINE, 14.31 FEET TO THE PRESENT NORTH RIGHT OF WAY LINE OF EAST SHAWNEE AVENUE; THENCE SOUTH 89°34'26" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 7.70 FEET TO THE PRESENT EAST RIGHT OF WAY LINE OF EAST 14TH STREET (HIGHWAY 69); THENCE NORTH 00°00'00" EAST ALONG SAID EAST RIGHT OF WAY LINE, 191.74 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation and the proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on March 27, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT. SECOND BY Nosa

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000001) (COMP-2023-000002)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Frankin 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