



Roll Call Number

23-0670

Agenda Item Number

41

Date May 8, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM BRADLEY MC ANINCH (OWNER) AND BELINDA MC ANINCH (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4700 SOUTHEAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Bradley Mc Aninch (Owner) and Belinda Mc Aninch (Owner), for the proposed rezoning from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan designation of Low Density Residential within a Community Node of the northwestern portion of the property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Bradley Mc Aninch (Owner) and Belinda Mc Aninch (Owner), for the PlanDSM: Creating Our Tomorrow Land Use Plan designation for the northwestern portion of the property from Low Density Residential within a Community Node to Community Mixed Use within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on April 6, 2023, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Bradley Mc Aninch (Owner) and Belinda Mc Aninch (Owner), to rezone the Property from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District, to allow the use of the property for redevelopment of the site for an auto body and auto sales business; and

WHEREAS, the Property is legally described as follows:

A PORTION OF LOT 37 & LOT 38 IN CERTAINTY ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. DESCRIBED AS FOLLOWS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE S89°38'58"E ALONG THE NORTH LINE OF SAID LOT 38, A DISTANCE OF 259.97 FEET TO THE WEST RIGHT OF WAY LINE OF SE 14TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°04'51"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 154.61 FEET TO THE SOUTH LINE OF SAID LOT 38; THENCE N89°32'21"W ALONG THE SOUTH LINE OF SAID LOT 38, A DISTANCE OF 259.88 FEET TO THE SOUTHWEST CORNER OF SAID LOT 38; THENCE S00°00'22"E ALONG THE EAST LINE OF SAID LOT 37, A DISTANCE OF 41.43 FEET; THENCE S73°15'50"W, A DISTANCE OF 146.63 FEET TO THE WEST LINE OF SAID LOT 37; THENCE N00°00'01"E ALONG THE WEST LINE OF SAID LOT 37, A DISTANCE OF 238.64 FEET TO THE NORTHWEST CORNER OF SAID LOT 37; THENCE S89°38'23"E



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ALONG THE NORTH LINE OF SAID LOT 37, A DISTANCE OF 140.12 FEET TO THE POINT OF BEGINNING.; and

WHEREAS, on April 24, 2023, by Roll Call No. 23-0587, 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 May 8, 2023, 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 northwestern portion of the property from Low Density Residential within a Community Node to Community Mixed Use within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "MX2-V" and "MX2" Mixed Use District to "CX" Mixed Use District to allow redevelopment of the site for an auto body and auto sales business, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Boerw.

FORM APPROVED:

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

(COMP-2023-000014) (ZONG-2023-000019)



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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, 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