



Roll Call Number

23-1038

Agenda Item Number

66

Date July 17, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM TIMELIS RESTORATIONS (OWNER) REPRESENTED BY CARL WIEDERAENDERS (OFFICER) AND HAWKEYE LAND COMPANY (OWNER) REPRESENTED BY RICK STICKLE (OFFICER) FOR THE FOLLOWING REGARDING FOUR (4) PARCELS LOCATED IN THE VICINITY OF 2142 EAST MARKET STREET, TO REZONE THE PROPERTY FROM "I1" INDUSTRIAL DISTRICT TO LIMITED "I2" INDUSTRIAL DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A STAGING AREA FOR CONCRETE RECYCLING AND STORAGE YARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Timelis Restorations (Owner) represented by Carl Wiederaenders (Officer) and Hawkeye Land Company (Owner) represented by Rick Stickle (Officer), for the proposed rezoning from "I1" Industrial District to Limited "I2" Industrial District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 15, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Timelis Restorations (Owner) represented by Carl Wiederaenders (Officer) and Hawkeye Land Company (Owner) represented by Rick Stickle (Officer), to rezone the Property from "I1" Industrial District to Limited "I2" Industrial District, to allow the use of the property for a staging area for concrete recycling and storage yard, subject to the following conditions:

1. The property shall be brought into conformance with current City of Des Moines site plan standards; and
2. Any adjoining property used or developed in common with the subject property shall comply with condition #1; and

WHEREAS, the Property is legally described as follows:

AN IRREGULAR SHAPED PORTION OF LAND LYING IN PART OF LOTS 21 AND 22 OF BROOKS & COS ADDITION, AN OFFICIAL PLAT AS RECORDED IN BOOK A, PAGE 59 OF THE POLK COUNTY RECORDER; PART OF LOT 1 OF DIAGRAM A DEAN'S ESTATE, AN OFFICIAL PLAT; PART OF LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 304 OF THE POLK COUNTY RECORDER; AND PART OF LOT 3 OF THE OFFICIAL PLAT OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 136 OF THE POLK COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS:

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BEGINNING AT AN IRON ROD WITH ORANGE IDENTIFICATION CAP #12265, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE WEST 653 FEET NORTH OF MARKET STREET, LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED FOUND IN BOOK 16515, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "TIMELIS RESTORATIONS PARCEL"); THENCE N00°08'10"E ALONG THE WEST LINE OF SAID TIMELIS RESTORATIONS PARCEL, A DISTANCE OF 238.50 FEET TO THE NORTHWEST CORNER OF SAID TIMELIS RESTORATION PARCEL; THENCE CONTINUING N00°08'10"E ALONG THE EAST LINE OF THE NORTH 300 FEET OF LOT 4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED RECORDED IN BOOK 8526, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "MCCAUGHEY PARCEL"), TO THE NORTHEAST CORNER OF SAID MCCAUGHEY PARCEL; THENCE N89°42'43"W ALONG THE NORTH LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 138.60 FEET TO THE NORTHWEST CORNER OF SAID MCCAUGHEY PARCEL; THENCE S05°20'49"W ALONG THE WEST LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 245.51 FEET TO THE ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET AS DESCRIBED IN THE DEED RECORDED IN BOOK 5469, PAGE 452 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "UNION PACIFIC DEED"); THENCE N89°37'34"W ALONG SAID ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 337.18 FEET TO A POINT BEING ON A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE FORMER ARMSTRONG TIRE & RUBBER COMPANY INDUSTRY LEAD TRACK, AS DESCRIBED IN SAID UNION PACIFIC DEED; THENCE NORTHERLY ALONG A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF SAID FORMER ARMSTRONG TIRE & RUBBER COMPANY LEAD TRACK TO A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE EXISTING SOUTHEAST WYE TRACK AS DESCRIBED IN SAID UNION PACIFIC DEED, TO A POINT WHICH LIES 581.89 FEET NORTHERLY OF AND NORMALLY DISTANT TO SAID ORIGINAL NORTH LINE OF MARKET STREET; THENCE S73°37'26"E, A DISTANCE OF 434.88 FEET; THENCE S86°53'57"E, A DISTANCE OF 184.42 FEET; THENCE S81°44'49"E, A DISTANCE OF 184.36 FEET; THENCE S69°24'33"E, A DISTANCE OF 217.07 FEET; THENCE S35°03'44"E, A DISTANCE OF 182.93 FEET; THENCE S07°34'44"W, A DISTANCE OF 207.32 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET; THENCE S89°46'22"W ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 315.36 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 419,887 SQUARE FEET, OR 9.64 ACRES.

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WHEREAS, on June 26, 2023, by Roll Call No. 23-0900, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on July 17, 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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 rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from "I1" Industrial District to Limited "I2" Industrial District, to allow the use of the property for a staging area for concrete recycling and storage yard, 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 Voss

FORM APPROVED:

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

(ZONG-2023-000024)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk