



Roll Call Number

23-1324

Agenda Item Number

34

Date October 2, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM RIREN, LLC (OWNER), REPRESENTED BY MICHAEL GRAHAM (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1500 EAST ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion finding the requested rezoning for Property located at 1500 East Army Post Road is not in conformance with the existing PlanDSM future land use designation of Business Park; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Riren, LLC (Owner), represented by Michael Graham (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 1500 East Army Post Road from Business Park to Community Mixed Use; to rezone the Property from "EX" Mixed Use District to "CX" Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

A PARCEL OF LAND IN THE SE¼ SW¼ SW¼ OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBE AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID SE ¼ SW ¼ SW ¼, THENCE NORTH 00°00'00" EAST (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE WEST LINE OF SAID SE ¼ SW ¼ SW ¼, 70.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST ALONG THE SAID WEST LINE, 590.69 FEET TO THE NW CORNER OF SAID SE¼ SW¼ SW¼; THENCE NORTH 89°57'22" EAST ALONG THE NORTH LINE OF SAID SE ¼ SW¼ SW ¼, 199 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST PARALLEL TO THE WEST LINE OF SAID SE¼ SW¼ SW¼, 593.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE NORTH 89°11'53" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; 199.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 2. 71 ACRES MORE OR LESS

★ Roll Call Number
23-1324

Agenda Item Number
34

Date October 2, 2023

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 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 October 23, 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 proposals 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 Boesen.

FORM APPROVED:

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

(ZONG-2023-000053)(COMP-2023-000030)

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

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