



**Roll Call Number**

23-1644

**Agenda Item Number**

43

**Date** November 20, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LONE WOLF REALTY, LLC (OWNER), REPRESENTED BY RICHARD HURD (OFFICER), FOR PROPERTY LOCATED IN THE VICINITY OF 7900 SOUTHRIDGE BOULEVARD, TO REZONE THE PROPERTY FROM “MX3-V” MIXED USE DISTRICT TO “MX3” MIXED USE DISTRICT, TO ALLOW DEVELOPMENT THE DEVELOPMENT OF THE PROPERTY FOR AN AUTO DEALERSHIP THAT WOULD INCLUDE “VEHICLE SALES” AND “VEHICLE MAINTENANCE AND REPAIR, MINOR” USES WITHIN THE “VEHICLE SALES AND SERVICES” CATEGORY**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lone Wolf Realty, LLC (owner), represented by Richard Hurd (officer), for property located in the vicinity of 7900 Southridge Boulevard (Geo Parcel # 7824-35-477-001), to rezone the property from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow the development of the property for an auto dealership that would include “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” uses within the “Vehicle Sales and Services” category, 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:

**THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., POLK COUNTY, IOWA, LYING SOUTHWESTERLY OF HIGHWAY 65-69 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., THENCE N 0°-24'-11" E ALONG THE WEST LINE OF SAID EAST 1/2 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY .LINE OF IOWA HIGHWAY 65-69, 160 FEET LEFT OF HIGHWAY CENTERLINE, THENCE SOUTHEASTERLY TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1116+00, THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1107+33, LAST SAID LINE BEING AT ALL POINTS 130 FEET RADIALLY DISTANT FROM THE CENTERLINE OF SAID HIGHWAY AS SHOWN ON PROJECT NUMBER F-69-4(3)-20-77, THENCE SOUTHEASTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14099+75, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SAID ROAD STATION 14099+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14096+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14092+00, THENCE SOUTHWESTERLY TO A POINT 33 FEET LEFT OF SAID ROAD STATION 14091+00, THENCE S 0°-54'- 02" W 33.00 FEET TO THE SOUTH LINE OF SAID SECTION 35, THENCE N 89°-05'-58" W ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.; and**

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**WHEREAS**, on November 6, 2023, by Roll Call No. 23-1541, 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 20, 2023, at 5:00 p.m., at the City Council Chambers; and

**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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "MX3" Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

**(NOTE –APPROVAL WILL REQUIRE SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS)**

MOVED BY Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

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

(ZONG-2023-000043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
<u>Coleman</u>	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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