

DateApril 1, 2024.....

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM ECOSOURCE, LLC (OWNER), REPRESENTED BY DAREN FIFE (OWNER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 1001 RACCOON STREET, TO REZONE THE PROPERTY FROM “DXR” DOWNTOWN DISTRICT TO LIMITED “EX” MIXED USE DISTRICT, TO ALLOW THE EXPANSION OF AN EXISTING INDUSTRIAL SERVICE, WAREHOUSING AND OFFICE USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Ecosource, LLC (owner), represented by Darren Fife (officer), for the proposed rezoning of two (2) parcels located in the vicinity of 1001 Raccoon Street from “DXR” Downtown District to Limited “EX” Mixed-Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Downtown Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Ecosource, LLC (owner), represented by Darren Fife (officer), to rezone the Property from “DXR” Downtown District to Limited “EX” Mixed-Use District, to allow the expansion of an existing industrial service, warehousing and office use, subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Uses permitted in the “EX” Mixed-Use District that are allowed by right in the “DXR” Downtown District.
 - b. A use that contains warehouse and office functions.
 - c. Industrial Service, Light.
2. Outdoor storage is prohibited.
3. Parking and vehicular maneuvering areas shall not extend south of the principal building.
4. Any fencing on the property shall be ornamental metal in style. Existing fencing that does not comply shall be removed.
5. The site shall be brought into conformance with all applicable regulations found in the Planning and Design Ordinance (Chapter 135 of City Code).
6. A site plan for the property shall be submitted and shall obtain approval no later than December 31, 2024.
7. All site and building improvements identified in the approved site plan pursuant to condition # 6 shall be completed by June 1, 2025.
8. Foundation plantings shall be provided around the perimeter of the building with additional emphasis on the south façade of the building to the satisfaction of the Planning and Urban Design Administrator.; and

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WHEREAS, the Property is legally described as follows:

LOTS 1, 2, AND THE NORTH 36 FEET OF LOT 3, THE NORTH 36 FEET OF LOT 8, AND ALL OF LOT 9 AND 10, BLOCK 1 IN ALLEN'S SECOND ADDITION TO DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, EXCEPT

PART OF LOTS 2 AND 3, BLOCK 1, ALLEN'S SECOND ADDITION

A TRIANGULAR PARCEL IN BLOCK 1, ALLEN'S SECOND ADDITION, BEING A PART OF LOTS 2 AND 3, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 16° (DEGREES) 00' (MINUTES) 00" (SECONDS) EAST ALONG THE WEST LINE OF SAID BLOCK 1, 82.92 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 67°05'44" EAST, 102.80 FEET; THENCE SOUTH 73°41'08" WEST, 80.00 FEET TO THE WEST LINE OF SAID LOT 3; THENCE NORTH 16°00'00" WEST ALONG THE WEST LINE OF SAID BLOCK 1, 65.00 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 2599.96 SQUARE FEET OR 0.060 ACRES.

AND INCLUDING

PART OF NORTH-SOUTH ALLEY IN BLOCK 1, ALLEN'S SECOND ADDITION SOUTH OF RACCOON STREET, BETWEEN SE 10TH STREET AND SE 11TH STREET

THAT PART OF THE NORTH-SOUTH, 20.00 FOOT VACATED ALLEY LYING EAST AND ADJOINING LOTS 1, 2 AND THE NORTH 36.00 FEET OF LOT 3, BLOCK 1, ALLEN'S SECOND ADDITION, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 73° (DEGREES) 38' (MINUTES) 45" (SECONDS) EAST ALONG THE NORTH LINE OF SAID BLOCK 1, 20.00 FEET TO THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK 1; THENCE SOUTH 15°57'00" EAST ALONG THE EAST LINE OF SAID ALLEY, 148.03 FEET; THENCE SOUTH 73°41'08" WEST, 20.00 FEET TO THE WEST LINE OF SAID ALLEY; THENCE NORTH 15°57'00" WEST ALONG THE WEST LINE OF SAID ALLEY, 148.02 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 2960.43 SQUARE FEET OR 0.068 ACRES.; and

WHEREAS, on March 18, 2024, by Roll Call No. 24-0415, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on April 1, 2024, at 5:00 p.m., at the City Council Chambers; and

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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 proposed rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, of the two (2) parcels located in the vicinity of 1001 Raccoon Street from "DXR" Downtown District to Limited "EX" Mixed-Use District, to allow the expansion of an existing industrial service, warehousing and office use, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT. SECOND BY Gatto

FORM APPROVED:

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

(ZONG-2023-000065)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen 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