

★ Roll Call Number

24-0905

Agenda Item Number

51A

Date June 17, 2024

RESOLUTION HOLDING PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE PLANDSM CREATING OUR TOMORROW COMPREHENSIVE PLAN TO REVIEW THE FUTURE LAND USE DESIGNATION OF THE PROPERTY WITHIN THE PROPOSED SE INDUSTRIAL URBAN RENEWAL PLAN

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Development Reserve within a Neighborhood Node, Low Density Residential, High Density Residential, Public/Semi-Public, and Neighborhood Mixed-Use to Industrial and Industrial within a Neighborhood Node for the area generally located along East Army Post Road, west of Southeast 45th Street, and east of Southeast 36th Street, bound to the north by Hart Avenue and East Pine Avenue to the south; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** that the proposed SE (Southeast) Industrial Urban Renewal Plan is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

A PART OF SECTIONS 29, 30, 31 AND 32, ALL IN TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD AND THE WEST RIGHT OF WAY LINE OF US HIGHWAY 65; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF US HIGHWAY 65 TO THE SOUTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 45TH STREET; THENCE SOUTH ALONG SAID SOUTHEAST 45TH STREET TO EASTERLY EXTENSION OF THE NORTH LINE OF PARCEL D, SAID PARCEL D SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 9085 PAGE 537 AT RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND ALONG THE NORTH LINE OF SAID PARCEL D TO THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL D AND ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE TO THE SOUTH RIGHT OF WAY LINE OF EAST PINE AVENUE; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST PINE AVENUE TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET TO



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SAID NORTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD AND INCLUDING FUTURE ROUNDABOUT; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD TO THE WEST LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE NORTH ALONG THE WEST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29 TO A POINT THAT IS 240.24 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29; THENCE S 88°33'56" E, A DISTANCE OF 221.06 FEET; THENCE N 00°04'09" W, A DISTANCE OF 646.32 FEET TO THE SOUTH RIGHT OF WAY LINE OF HART AVENUE, SAID TWO PREVIOUSLY DESCRIBED LINES ARE SHOWN ON RETRACEMENT SURVEY RECORDED IN BOOK 17162 PAGE 409 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, AND SAID TWO PREVIOUSLY DESCRIBED LINES ARE A PART OF THE SOUTH AND EAST LINES OF THE AVON CEMETERY; THENCE CONTINUING NORTH ALONG NORTHERLY EXTENSION OF THE PREVIOUSLY DESCRIBED LINE TO THE NORTH RIGHT OF WAY LINE OF HART AVENUE; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF HART AVENUE TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29 TO THE SAID NORTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD TO THE POINT OF BEGINNING.; and

WHEREAS, on May 6, 2024, by Roll Call No. 24-0660, it was duly resolved by the City Council that the request for approval of the proposed amendment be set down for hearing on June 17, 2024, 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 proposed amendment are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classifications for the Property from Development Reserve within a Neighborhood Node, Low Density



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Residential, High Density Residential, Public/Semi-Public, and Neighborhood Mixed-Use to Industrial and Industrial within a Neighborhood Node is hereby approved.

MOVED BY Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(COMP-2024-000013)

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