



Roll Call Number

24-1390

Agenda Item Number

51

Date October 7, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING A CITY INITIATED REQUEST TO REZONE THREE (3) PARCELS WITHIN THE SOUTHEAST INDUSTRIAL URBAN RENEWAL AREA, LOCATED ALONG EAST ARMY POST ROAD, TO THE WEST OF SOUTHEAST 45TH STREET AND TO THE EAST OF SOUTHEAST 36TH STREET, AND BOUNDED BY EAST ARMY POST ROAD TO THE NORTH AND EAST PINE AVENUE TO THE SOUTH

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a City initiated request, for the proposed rezoning from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a City initiated request, for property located in three (3) parcels within the Southeast Industrial Urban Renewal Area, located along East Army Post Road, to the west of Southeast 45th Street and to the east of Southeast 36th Street, and bounded by East Army Post Road to the north and East Pine Avenue to the south, to rezone the property from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District, subject to the condition that the following uses on the property are prohibited:

1. Adult Entertainment
2. Liquor Store
3. Tobacco Store
4. Self-Service Storage
5. Vehicle Sales
6. Vehicle Rental
7. Facilities used solely for Vehicle Maintenance/Repair/Minor
8. Facilities used solely for Vehicle Maintenance Repair/Major
9. Equipment & Materials Storage, Outdoor (as a Principal Use); and

WHEREAS, the Property is legally described as follows:

A PART OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 31, AND A PART OF NORTHWEST QUARTER (NW 1/4) OF SECTION 32, AND A PART OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 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:



Roll Call Number

24-1390

Agenda Item Number

51

Date October 7, 2024

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE AND THE EAST RIGHT OF WAY LNE OF SOUTHEAST 36TH STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF PARCEL A, SAID PARCEL A SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 8007 PAGE 259 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL A TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL A TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 45TH STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 45TH STREET TO THE NORTH LINE OF PARCEL D, SAID PARCEL D SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 9085 PAGE 537 AT RECORDER’S OFFICE OF POLK COUNTY, IOWA; THENCE WESTERLY 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 TO THE NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET AND TO THE POINT OF BEGINNING.; and

WHEREAS, on September 16, 2024, by Roll Call No. 24-1243, 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 October 7, 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 proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, 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 of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our

★ **Roll Call Number**

24-1390

Agenda Item Number

51

Date October 7, 2024

Tomorrow Land Use Plan and 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-2023-000042)

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