



Date July 13, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM SPOT FREE CAR WASH, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3104 INDIANOLA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free Car Wash, LLC (owner), represented by Allen Hansen (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3104 Indianola Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to Limited MX3 Mixed Use District and continuation of the existing car wash as a use permitted by right, subject to the following conditions:

- (1) Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment.
- (2) All other uses permitted by right or by conditional use shall only be those uses allowed in common with and as limited in the RX1 Mixed Use District; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free Car Wash, LLC to rezone the Property from N3a Neighborhood District to MX3 Mixed Use District for the above-described purpose; and

WHEREAS, the Property is legally described as follows:

LOTS 50, 51, 52, AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT AND LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT:

AN IRREGULAR PARCEL IN LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT, AND IN LOTS 52 AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTHWEST LINE OF LOT 70, JEFFERSON HEIGHTS REPLAT,

5.0 FEET SOUTHWEST OF THE NORTHWEST COMER OF LOT 70; THENCE SOUTHEASTERLY, ALONG A LINE PARALLEL TO THE NORTHEAST LOT LINE 21.0 FEET TO THE POINT OF CURVATURE OF A HORIZONTAL CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1355.8 FEET; THENCE CONTINUING ALONG THE CURVE TO THE SOUTHEAST LINE OF LOT 71, JEFFERSON HEIGHTS REPLAT, BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE CURVE 342.25 FEET TO A POINT 21.0 FEET NORMALLY DISTANT FROM THE EAST LINE OF LOT 53; THENCE SOUTHEAST, ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 53, 32.43 FEET; THENCE SOUTHWEST, TO THE SOUTH LINE OF LOT 53, 46.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 53; THENCE EAST ALONG THE SOUTH LOT LINE TO THE SOUTHEAST CORNER OF LOT 53; THENCE NORTHWEST, ALONG THE EAST AND NORTHEAST LINES OF LOTS 53, 52 AND 72, TO THE NORTHWEST CORNER OF LOT 72; THENCE SOUTHWEST, ALONG THE NORTHWEST LINE OF LOT 72,

5.6 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND



Roll Call Number

20-1109

Agenda Item Number

25

Date July 13, 2020

PARCEL "D" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA;

AND

EXCEPT PARCEL "B" AND PARCEL "C" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, COVENANTS, AND RESERVATIONS OF RECORD.

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 zoning 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 August 3, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal 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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.09)
(ZON2020-00061)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. KAY CMELIK, 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.

J. M. Frankh... Mayor

P. Kay Cmelik City Clerk