



Roll Call Number

21-1590

Agenda Item Number

49

Date October 18, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2399 EAST COUNTY LINE ROAD (ALONG THE SOUTH SIDE OF EAST COUNTY LINE ROAD IN WARREN COUNTY)

WHEREAS, on October 4 2021, by Roll Call No. 21-1476, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property generally located at 2399 East County Line Road (“Property”) from Business Park to Industrial to allow rezoning to ‘I2’ Industrial to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production Use, and for a Junk and Salvage Yard use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (Officer) to to rezone the Property from ‘EX-V’ Mixed Use District to ‘I2’ Industrial District for the above-stated purpose; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1476, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on October 18, 2021 at 5:00 P.M., in the 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2399 East County Line Road, legally described as:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, LYING NORTHEAST OF THE HIGHWAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE



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NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°06'33"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.05 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY LINE ROAD AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE CONTINUING S00°06'33"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1236.79 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF US HIGHWAY 69 AS IT IS PRESENTLY ESTABLISHED; THENCE N33°38'28"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 601.92 FEET; THENCE N44°29'14"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 302.42 FEET; THENCE N63°50'19"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 48.51 FEET; THENCE N41°55'55"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 111.92 FEET; THENCE N48°21'43"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 643.70 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD; THENCE S89°20'50"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD, A DISTANCE OF 264.10 FEET; THENCE S67°36'44"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 164.97 FEET; THENCE S89°29'43"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 298.89 FEET; THENCE N59°21'37"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 116.82 FEET; THENCE S89°23'27"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 326.44 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

CONTAINING 13.65 ACRES

from 'EX-V' Mixed Use to 'I2' Industrial District.

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 to PlanDSM and proposed rezoning of the Property to 'I2' Industrial District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'I2' Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved,

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subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT

APPROVED AS TO FORM:
Judy K. Parks-Kruse
 Judy K. Parks-Kruse
 Assistant City Attorney

(ZONG2021-000069)
 (21-2021-4.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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. Parkhill Cownie Mayor

P. Kay Cmelik City Clerk