



Roll Call Number

23-0430

Agenda Item Number

56

Date March 27, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PENSKE TRUCK LEASING COMPANY, LP (OWNER), REPRESENTED BY GUY HOLBERT (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM COMMUNITY MIXED USE TO INDUSTRIAL AND TO REZONE THE PROPERTY LOCATED AT 4101 E 14TH STREET FROM "MX3-V" MIXED USE DISTRICT TO "I1" INDUSTRIAL DISTRICT, TO ALLOW EXPANSION AND SITE IMPROVEMENTS FOR THE EXISTING TRUCK PARKING FACILITY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023 its members voted 12-0 in support of a motion finding the requested rezoning for Property located at 4101 E 14th Street is not in conformance with the existing PlanDSM future land use designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held February 16, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Penske Truck Leasing Company, LP (owner), represented by Guy Holbert (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 4104 E 14th Street from Community Mixed Use to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 16, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Penske Truck Leasing Company, LP (owner), represented by Guy Holbert (officer), to rezone the Property from "MX3-V" Mixed Use District to "I1" Industrial District to allow expansion and site improvements for the existing truck parking facility, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

THE WEST 7 ACRES OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 114 OF THE EAST 115 FEET OF THE WEST 148 FEET THEREOF; AND EXCEPT THE SOUTH 25 FEET OF THE EAST 535.5 FEET OF THE WEST 386.5 FEET THEREOF; AND EXCEPT THE WEST 33 FEET THEREOF; AND EXCEPT THAT PART CONDEMNED BY THE STATE OF IOWA IN CONDEMNATION PROCEEDINGS FILED NOVEMBER 11, 1996 IN THE POLK COUNTY RECORDER'S OFFICE IN BOOK 7520 , PAGE 230 AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE NORTH 89°30'05" EAST ALONG THE NORTH LINE OF THE



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SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 33.00 FEET; THENCE SOUTH 00°00'00" EAST ALONG THE PRESENT EAST RIGHT OF WAY OF EAST 14TH STREET (HIGHWAY 69) EXTENDED, 445.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°24'45" EAST, 13.62 FEET TO THE NEW EAST RIGHT OF WAY LINE OF SAID EAST 14TH STREET (HIGHWAY 69); THENCE SOUTH 01°54'33" WEST ALONG SAID NEW RIGHT OF WAY LINE, 177.61 FEET; THENCE SOUTH 00°00'00" EAST ALONG SAID NEW RIGHT OF WAY LINE, 14.31 FEET TO THE PRESENT NORTH RIGHT OF WAY LINE OF EAST SHAWNEE AVENUE; THENCE SOUTH 89°34'26" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 7.70 FEET TO THE PRESENT EAST RIGHT OF WAY LINE OF EAST 14TH STREET (HIGHWAY 69); THENCE NORTH 00°00'00" EAST ALONG SAID EAST RIGHT OF WAY LINE, 191.74 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on March 6, 2023, by Roll Call No. 23-096, 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 March 27, 2023, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 and rezoning 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 Community Mixed Use to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "MX3-V" Mixed Use District to "I1" Industrial District, to allow to allow expansion and site improvements for the existing truck parking facility, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY Westergaard TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000001) (COMP-2023-000002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED				APPROVED

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.

J. M. Frank's Council Mayor

Laura Baumgartner City Clerk