



Roll Call Number

23-0587

Agenda Item Number

27

Date April 24, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM BRADLEY MC ANINCH (OWNER), AND BELINDA MC ANINCH (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4700 SOUTHEAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023, its members voted 9-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 4700 Southeast 14th Street is not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Community Node of the northwestern portion of the property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023 its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Bradley Mc Aninch (Owner) and Belinda Mc Aninch (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation of the northwest portion for the Property in the vicinity of 4700 Southeast Street from Low Density Residential within a Community Node to Community Mixed Use within a Community Node; to rezone the Property from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District to allow redevelopment of the site for an Auto Body and Auto Sales business, 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:

A PORTION OF LOT 37 & LOT 38 IN CERTAINTY ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. DESCRIBED AS FOLLOWS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE S89°38'58"E ALONG THE NORTH LINE OF SAID LOT 38, A DISTANCE OF 259.97 FEET TO THE WEST RIGHT OF WAY LINE OF SE 14TH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°04'51"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 154.61 FEET TO THE SOUTH LINE OF SAID LOT 38; THENCE N89°32'21"W ALONG THE SOUTH LINE OF SAID LOT 38, A DISTANCE OF 259.88 FEET TO THE SOUTHWEST CORNER OF SAID LOT 38; THENCE S00°00'22"E ALONG THE EAST LINE OF SAID LOT 37, A DISTANCE OF 41.43 FEET; THENCE S73°15'50"W, A DISTANCE OF 146.63 FEET TO THE WEST LINE OF SAID LOT 37; THENCE N00°00'01"E ALONG THE WEST LINE OF SAID LOT 37, A DISTANCE OF 238.64 FEET TO THE NORTHWEST CORNER OF SAID LOT 37; THENCE S89°38'23"E ALONG THE NORTH LINE OF SAID LOT 37, A DISTANCE OF 140.12 FEET TO THE POINT OF BEGINNING.



Roll Call Number

230587

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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 is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on May 8, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
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.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(COMP-2023-000014)(ZONG-2023-000019)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED checkboxes.

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. Franklin Cownie Mayor

Laura Baumgartner City Clerk