

★ **Roll Call Number**

.....23-1484.....

Agenda Item Number

68

DateOctober 23, 2023.....

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM RIREN, LLC (OWNER), REPRESENTED BY MICHAEL GRAHAM (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1500 EAST ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion finding the requested rezoning for Property located at 1500 East Army Post Road, for the proposed rezoning from "EX" Mixed Use District to "CX" Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Riren, LLC (Owner), represented by Michael Graham (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 1500 East Army Post Road from Business Park to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Riren, LLC (Owner), represented by Michael Graham (Officer), to rezone the Property from "EX" Mixed Use District to "CX" Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop; and

WHEREAS, the Property is legally described as follows:

A PARCEL OF LAND IN THE SE¼ SW¼ SW¼ OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBE AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID SE ¼ SW ¼ SW ¼, THENCE NORTH 00°00'00" EAST (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE WEST LINE OF SAID SE ¼ SW ¼ SW ¼, 70.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST ALONG THE SAID WEST LINE, 590.69 FEET TO THE NW CORNER OF SAID SE¼ SW¼ SW¼; THENCE NORTH 89°57'22" EAST ALONG THE NORTH LINE OF SAID SE ¼ SW¼ SW ¼, 199 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST PARALLEL TO THE WEST LINE OF SAID SE¼ SW¼ SW¼, 593.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE NORTH 89°11'53" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE;



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199.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 2. 71 ACRES MORE OR LESS; and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1324, 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 23, 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 Business Park to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to "CX" Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000053)(COMP-2023-000030)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED APPROVED

J. M. Franklin Cownie
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