



Roll Call Number

23-1541

Agenda Item Number

26

Date November 6, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM LONE WOLF REALTY, LLC (OWNER), REPRESENTED BY RICHARD HURD (OFFICER), FOR PROPERTY LOCATED IN THE VICINITY OF 7900 SOUTHRIDGE BOULEVARD (GEO PARCEL # 7824-35-477-001), TO REZONE THE PROPERTY FROM “MX3-V” MIXED USE DISTRICT TO “MX3” MIXED USE DISTRICT, TO ALLOW THE DEVELOPMENT OF THE PROPERTY FOR “VEHICLE SALES” AND “VEHICLE MAINTENANCE AND REPAIR, MINOR” USES WITHIN THE “VEHICLE SALES AND SERVICES” CATEGORY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lone Wolf Realty, LLC (Owner), represented by Richard Hurd (Officer), for property located in the vicinity of 7900 Southridge Boulevard (Geo Parcel # 7824-35-477-001), to rezone the property from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow the development of the property for an auto dealership that would include “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” uses within the “Vehicle Sales and Services” category, 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:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., POLK COUNTY, IOWA, LYING SOUTHWESTERLY OF HIGHWAY 65-69 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., THENCE N 0°-24'-11" E ALONG THE WEST LINE OF SAID EAST 1/2 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY .LINE OF IOWA HIGHWAY 65-69, 160 FEET LEFT OF HIGHWAY CENTERLINE, THENCE SOUTHEASTERLY TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1116+00, THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1107+33, LAST SAID LINE BEING AT ALL POINTS 130 FEET RADIALLY DISTANT FROM THE CENTERLINE OF SAID HIGHWAY AS SHOWN ON PROJECT NUMBER F-69-4(3)-20-77, THENCE SOUTHEASTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14099+75, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SAID ROAD STATION 14099+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14096+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14092+00, THENCE SOUTHWESTERLY TO A POINT 33 FEET LEFT OF SAID ROAD STATION 14091+00, THENCE S 0°-54'- 02" W 33.00 FEET TO

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THE SOUTH LINE OF SAID SECTION 35, THENCE N 89°-05'-58" W ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

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 rezoning is 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 20, 2023, at which time the City Council will hear both those who oppose and those who favor the proposal.
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

(ZONG-2023-000043)

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

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.

T.M. Franklin Cownie Mayor

Laura Baumgartner City Clerk