

★ **Roll Call Number**

.....23-1564

Agenda Item Number

.....42

DateNovember 6, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JEDD CORPORATION (OWNER), REPRESENTED BY DANIEL R. RICE (OFFICER), FOR, TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4221 SOUTHEAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Jedd Corporation (Owner), represented by Daniel R. Rice (Officer), for property located in the vicinity of 4221 Southeast 14th Street, to rezone the property from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow renovation of an existing building use as “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” uses and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, on October 23, 2023, by Roll Call No. 23-1427, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on November 6, 2023, 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said 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 located in the vicinity of 4221 Southeast 14th Street and legally described as follows:

THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/ 4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PM, POLK COUNTY, IOWA, EXCEPT THE SOUTH 10 FEET THEREOF AND EXCEPT ROAD.

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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “MX3-V” Mixed Use

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District to "MX3" Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and 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-2023-000057)

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

MOTION CARRIES

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