

**Date** ..... May 6, 2024 .....

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PACIFIC STAR COMMUNICATIONS, INC. (OWNER) REPRESENTED BY MOLLY WINKLER (OFFICER) FOR THE FOLLOWING REGARDING TWO PARCELS LOCATED IN THE VICINITY OF 3900 EAST BROADWAY AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “N2A” NEIGHBORHOOD DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY FOR AN “INDUSTRIAL SERVICE, LIGHT” USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), for the proposed rezoning from “N2a” Neighborhood District to Limited “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), to rezone the two (2) parcels from “N2a” Neighborhood District to Limited “MX3” Mixed Use District, to allow use of the property for an “Industrial Service, Light” use, subject to the following conditions:

1. Permitted uses shall be limited to the following:
  - a. Uses permitted in the “MX3” Mixed-Use District that are allowed in the “RX1” Mixed-Use District.
  - b. Industrial Service, Light.; and

**WHEREAS**, the Property is legally described as follows:

**PART OF LOTS 1 AND 2 IN BROADWAY ACRES, AN OFFICIAL PLAT IN POLK COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SYLVAN HEIGHTS PLAT 4, AN OFFICIAL PLAT IN POLK COUNTY IOWA; THENCE NORTH**



**Roll Call Number**

24-0686

**Agenda Item Number**

49

**Date** May 6, 2024

**00°26'34" WEST, A DISTANCE OF 485.59 FEET; THENCE NORTH 89°57'30" EAST, A DISTANCE OF 176.00 FEET; THENCE SOUTH 30°38'51" EAST, A DISTANCE OF 273.01 FEET; THENCE NORTH 89°50'32" EAST, A DISTANCE OF 154.00 FEET; THENCE SOUTH 00°09'13" WEST, A DISTANCE OF 250.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. BROADWAY AVENUE; THENCE SOUTH 89°51'53" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 464.75 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS.; and**

**WHEREAS**, on April 15, 2024, by Roll Call No. 24-0579, 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 May 6, 2024, 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 Low Density Residential to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N2a" Neighborhood District to Limited "MX3" Mixed Use District, to allow use of the property for an "Industrial Service, Light" use, 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 Gatto

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000006) (COMP-2024-000006)

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

Connie Boeser Mayor

Laura Baumgartner City Clerk