



Date March 9, 2020

RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENT TO CITYWIDE ZONING MAP

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on October 16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,818 adopting the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

WHEREAS, on December 16, 2019, by Roll Call No. 19-2044, and on February 10, 2020, by Roll Call No. 20-0284, the City Council approved Ordinance Nos. 15,846 and 15,866, respectively, amending the Citywide Zoning Map; and

WHEREAS, City staff has identified a necessary amendment to the Citywide Zoning Map to reflect correction in zoning district for property located at 600 and 610 East 30th Street, 2944 Des Moines Street, and Polk County District/Parcel No. 050/04387-000-000 that had been erroneously converted to a zoning district inconsistent with the intended use of the property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 20, 2020, its members voted 8-0 in support of a motion to recommend **APPROVAL** of the above-described proposed amendment to the Citywide Zoning Map; and

WHEREAS, the proposed amendment to the Citywide Zoning Map is on file and available to the public for viewing in the office of the City Clerk; and

WHEREAS, on February 24, 2020, by Roll Call No. 20-0336, it was duly resolved by the City Council that the proposed amendment to the Citywide Zoning Map be set down for public hearing on March 9, 2020 at 5:00 p.m. in the City Council Chambers at City Hall; 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 amendment to the Citywide Zoning Map; and

WHEREAS, in accordance with the notice, those interested in the proposed amendment, 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, that:

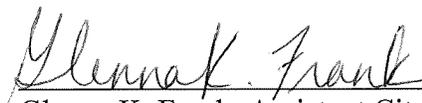
Date March 9, 2020

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendment to the Citywide Zoning Map, be and the same are hereby overruled, and the hearing is closed.
2. The proposed amendment to the Citywide Zoning Map, in form on file in the office of the City Clerk, are hereby approved, subject to final passage of the enacting ordinance.

MOVED by _____ to adopt.

FORM APPROVED:

(10-2020-5.01)


Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, P. KAY CMELIK, 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.

Mayor

City Clerk



Date March 9, 2020

Agenda Item 46

Roll Call # _____

March 3, 2020

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 20, 2020 the following action was taken regarding a City initiated public hearing regarding proposed amendment to Zoning Map for the approved Zoning Ordinance in Chapter 134 of the City Code for properties at 600 and 610 East 30th Street and 2944 Des Moines Street to be shown as "MX3" Mixed Use District that are erroneously shown as "MX1" Mixed Use District.

COMMISSION ACTION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley				X
Jann Freed				X
John "Jack" Hilmes				X
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

APPROVAL of Part A) the Commission find the proposed MX3 Mixed Use zoning designation is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan's "Community Mixed Use" Future Land Use Designation for the subject property and Part B) **APPROVAL** of the City initiated request to amend the zoning map to correct the zoning designation for the subject property to an MX3 Mixed Use District.

(10-2020-5.01)

It was clearly the City Council's intent to facilitate expansion of the credit union and allow a drive thru accessory use on the property when the 2944 Des Moines Street was rezoned to C-2 General Retail and Highway Oriented Commercial District on November 4, 2019. The zoning designation for 600 and 610 E. 30th Street and 2944 Des Moines Street should have been revised to MX3 Mixed Use Zoning District with prior "clean up" ordinances that modified the Citywide Zoning Map.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Rocky Sposato made a motion for approval of Part A) the Commission find the proposed MX3 Mixed Use zoning designation is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan's "Community Mixed Use" Future Land Use Designation for the subject property and Part B) **APPROVAL** of the City initiated request to amend the zoning map to correct the zoning designation for the subject property to an MX3 Mixed Use District.

Motion passed: 8-0

Respectfully submitted,


Erik Lundy, AICP
Senior City Planner

EML:tjh
Attachments

City initiated public hearing for properties at 600 & 610 East 30th Street and 2944 Des Moines Street.			File #		
			10-2020-5.01		
Description of Action	Amendment to Zoning Map for the approved Zoning Ordinance in Chapter 134 of the City Code to be shown as "MX3" Mixed Use District that are erroneously shown as "MX1" Mixed Use District.				
PlanDSM Future Land Use	Current: Community Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"MX1" Mixed Use District.				
Proposed Zoning District	"MX3" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X