



Roll Call Number

Agenda Item Number

20-0271

44A

Date February 10, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM ND DRAKE MULTIFAMILY, LLC TO AMEND PLAN THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND REZONE PROPERTY LOCATED AT 2530 UNIVERSITY AVENUE AND 1157, 1159 AND 1161 26TH STREET

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on January 27, 2020, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 16, 2020, the City Plan and Zoning Commission voted 13-0 in support of a motion to recommend **APPROVAL** of a request by ND Drake Multifamily, LLC (owner), represented by Michael Nelson (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 1157 26th Street, from Low-Medium Density Residential to Neighborhood Mixed Use, to allow for rezoning to MX2 Mixed Use District and allow for a 4-story mixed-use building with 136 household units and 6,000 square feet of ground floor retail/office use; and

WHEREAS, the City Plan and Zoning Commission further has advised that at a public hearing held on January 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from ND Drake Multifamily, LLC, to rezone real properties located at 2530 University Avenue and 1157, 1159 and 1161 26th Street (collectively "Property") from MX1 Mixed Use District and N5 Neighborhood District to MX2 Mixed Use District, to allow for a 4-story mixed-use building with 136 household units and 6,000 square feet of ground floor retail/office use; and

WHEREAS, on January 27, 2020, by Roll Call No. 20-0139, it was duly resolved by the City Council that the application from ND Drake Multifamily, LLC to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone the Property be set down for hearing on February 10, 2020 at 5:00 P.M., in the Council Chamber 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 Zoning Ordinance; 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 at 2530 University Avenue and 1157, 1159 and 1161 26th Street, legally described as:

LOTS 38-44 AND THE NORTH/SOUTH ALLEY LYING EAST OF SAID LOTS 38-44, EXCEPT THE NORTH 7.00 FEET OF SAID ALLEY AND EXCEPT THE NORTH 7.00 FEET OF LOT 44, DRAKE



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UNIVERSITY'S SECOND ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from MX1 Mixed Use District and N5 Neighborhood District to MX2 Mixed Use District, to allow for the existing properties used for a 4-story mixed-use building with 136 household units and 6,000 square feet of ground floor retail/office use.

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 to the PlanDSM: Creating Our Tomorrow Plan future land use designation for 1157 26th Street or the proposed rezoning of the Property to MX2 Mixed Use District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 1157 26th Street to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to MX2 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(21-2019-4.27)

(ZON2019-00241)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
MAYOR

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.

P. Kay Cmelik

City Clerk