



Roll Call Number

20-0942

Agenda Item Number

59

Date June 8, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM ANCHOR INVESTMENT GROUP, LLC TO REZONE PROPERTY LOCATED AT 901 SOUTHEAST 7TH STREET AND 709 AND 714 VALE 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 May 4, 2020, by Roll Call No. 20-0751, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Anchor Investment Group, LLC (owner), represented by Michael Donlin (officer), to rezone the real property locally known as 901 Southeast 7th Street and 709 and 714 Vale Street (collectively "Property") from N3c Neighborhood District to Limited NX2 Neighborhood Mix District, to allow for development of two rowhouse structures each containing six household units, subject to the following conditions:

1. Any development that provides three (3) or more attached household units or three (3) or more households per lot shall utilize the adjoining public alley for vehicular access.
2. Any development that utilizes the adjoining alley shall improve the alley to the satisfaction of the City Engineer; and

WHEREAS, on May 4, 2020, by Roll Call No. 20-0751, it was duly resolved by the City Council that the application from Anchor Investment Group, LLC to rezone the Property be set down for hearing on May 18, 2020 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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, on May 18, 2020, by Roll Call No. 20-0865, the City Council opened and continued the public hearing to 5:00 p.m. on June 8, 2020, to be held by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location; 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 901 Southeast 7th Street and 709 and 714 Vale Street, legally described as:

Lots 1, 2, 9 and 10, Block 70, TOWN OF DEMOINE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; And



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The vacated North/South alley right-of-way adjoining Lots 1, 2, 9 and 10, Block 70, TOWN OF DEMOINE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from N3c Neighborhood District to NX2 Neighborhood Mix District, to allow for development of two rowhouse structures each containing six household units, subject to the conditions set forth above.

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 to Limited NX2 Neighborhood Mix District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited NX2 Neighborhood Mix 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 Boesen TO ADOPT; Refer to the City Manager to initiate vacation of the alley adjoining the property.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2020-00025)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

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.

Handwritten signature of J. M. Frankin, Mayor

Handwritten signature of P. Kay Cmelik, City Clerk

City Clerk