



Roll Call Number

21-1371

Agenda Item Number

44

Date August 23, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM KG STORE 543, LLC TO REZONE
PROPERTY LOCATED AT 1619 INGERSOLL AVENUE
AND 1620 HIGH STREET**

WHEREAS, on August 9, 2021, by Roll Call No. 21-1210, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 15, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from KG Store 543, LLC (owner), represented by Gerard Haberman (officer), to rezone the real property locally known as 1619 Ingersoll Avenue (“Property 1”) from ‘DX2’ Downtown District to ‘MX2’ Mixed Use District, and to rezone 1620 High Street (“Property 2”) from ‘RX1’ Mixed Use District to ‘MX2’ Mixed Use District, to reuse of the property at 555 17th Street for a microbrewery with additional commercial uses; and

WHEREAS, on August 9, 2021, by Roll Call No. 21-1210, it was duly resolved by the City Council that the request to rezone Property 1 and Property 2 be set down for hearing on August 23, 2021 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 locally known as 1619 Ingersoll Avenue, legally described as:

Property 1 – 1619 Ingersoll Avenue

AREA "A" IN THE CRESCENT CHEVROLET ALTA/ACSM LAND TITLE SURVEY FILED IN BOOK 12622, PAGE 65 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 72 FEET OF LOT ONE (1) AND THE WEST HALF OF LOT TWO (2) IN BLOCK "D" IN SUBDIVISION OF LOT NO. 6 OF THE PURSLEY ESTATE CONTAINING 13.06 ACRES, AN OFFICIAL PLAT (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES RECORDED IN BOOK 2583 AT PAGE 87), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(GeoParcl 7824-05-483-001)

S 6F VAC ST N & ADJ LTS 1 & 2 & N & ADJ W7F LT 3 BLK D SD LT 6 OF 13.06A PURSLEY ESTATE

from ‘DX2’ Downtown District to ‘MX2’ Mixed Use District, for the purpose set forth above.

and



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WHEREAS, the Legal Department has further prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1620 High Street, legally described as:

Property 2 -1620 High Street

A PORTION OF AREA "B" IN THE CRESCENT CHEVLORET ALTA/ACSM LAND TITLE SURVEY FILED IN BOOK 12622, PAGE 65 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT ONE (1) AND THE WEST 1/2 OF LOT TWO (2) IN BLOCK "B" IN SUBDMSION OF LOT NO. 6 OF THE PURSLEY ESTATE CONTAINING 13.06 ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from 'RX1' Mixed Use District to 'MX2' Mixed Use District, for the purpose 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 Property 1 and Property 2 to 'MX2' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of Property1 and Property 2, 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 final passage of an ordinance rezoning Property 1 and Property 2 as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(ZON2021-00077)

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.

MOTION CARRIED APPROVED
J.M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk