



Roll Call Number

21-1659

Agenda Item Number

24

Date November 1, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM WESLEY LIFE TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY AT 3206 UNIVERSITY AVENUE, 1117 33RD STREET AND 1119 33RD STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 21, 2021, its members voted 8-0-1 in support of a motion to recommend APPROVAL of a request from Wesley Life (Owner), represented by Craig Flanagan (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3206 University Avenue, and 1117 & 1119 33rd Street ("Property") from Low Density Residential and Low-Medium Density Residential to Community Mixed Use to allow rezoning to Limited 'MX3' Mixed Use District, to allow use of the existing building at 3206 University Avenue for a mix of uses, including Restaurant and Limited Fabrication and Production Use, and to allow expansion of the existing parking lot onto the parcels at 1117 33rd Street and 1119 33rd Street; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 21, 2021, its members voted 8-0-1 in support of a motion to recommend APPROVAL of a request from Wesley Life (Owner), represented by Craig Flanagan (officer), to rezone the Property from 'P2' Public, Civic and Institutional District and 'N5' Neighborhood District to Limited 'MX3' Mixed Use District for the above-stated purpose. subject to the following conditions:

- 1. No driveway, ingress-egress, or access to 33rd Street shall be allowed; and
2. The parking lot expansion shall be set back 30 feet from the adjoining parcel to the south and shall be set back an equal distance as the residential home from the street side property line; and

WHEREAS, the Property is legally described as follows:

THE EAST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, TOGETHER WITH THE EASEMENT GRANTED BY THE CITY OF DES MOINES TO THE GRANTOR DATED MARCH 6, 1987 AND RECORDED IN BOOK 5693 PAGE 210 POLK COUNTY, IOWA RECORDER'S OFFICE.

AND

THE EAST 75 FEET OF THE SOUTH 20 FEET OF THE WEST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

AND

LOT 9 AND THE EAST 30 FEET OF LOT 10 IN LYON'S PARK PLAT NO. 2, AND OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 10, SAID LYON'S PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 9910, PAGE 813.

AND

LOT 8 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA

AND



Roll Call Number

21-1659

Agenda Item Number

24

Date November 1, 2021

LOT 16 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 16, SAID LYON'S PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10135, PAGE 779.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation, and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on November 15, 2021, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000024; ZONG-2021-000023)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and a TOTAL row. Includes signatures and 'MAYOR PRO TEM' text.

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.
Signature of P. Kay Cmelik
City Clerk