



Roll Call Number

21-1742

Agenda Item Number

32

Date November 15, 2021

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

WHEREAS, on November 1, 2021, by Roll Call No. 21- 1659, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 18, 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, 1117 33rd Street and 1119 33rd Street (“Property”) from Low Density Residential and Low-Medium Density Residential to Community Mixed use, 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, on November 1, 2021, by Roll Call No. 21-1659, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on October 18, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Wesley Life (owner), represented by Craig Flanagan (officer), to rezone 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, on November 1, 2021, by Roll Call No. 21-1659, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on November 15, 2021, at 5:00 p.m., at the City 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 land use amendment and rezoning; 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 3206 University Avenue, 1117 33rd Street and 1119 33rd Street, legally described as:

Area Currently in “P2” district

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



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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 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 AND

Area Currently in "N5" district

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
PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10135, PAGE 779.

from 'P2' Public, Civic and Institutional District and 'N5' Neighborhood District, 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, in accordance with said notice, those interested in said proposed land use amendment and rezoning, 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, 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 land use amendment and the proposed rezoning of the Property to Limited 'MX3' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Low Density Residential and Low-Medium Residential to Community Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited 'MX3' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY Mandelbaum TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

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

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

J. M. Franklin Cowme
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