



Roll Call Number

21.1970

Agenda Item Number

75

Date December 20, 2021

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY
GENERALLY LOCATED IN THE AREA BOUNDED BY EAST UNIVERSITY AVENUE TO THE
NORTH, INTERSTATE 235 (FREEWAY) TO THE EAST AND SOUTH, AND EAST 15TH STREET TO
THE WEST, EXCEPT FOR PARCELS FRONTING EAST UNIVERSITY AVENUE**

WHEREAS, on December 6, 2021, by Roll Call No. 21-1823, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 18, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15th Street to the west, except for parcels fronting along East University Avenue (“Property”) from Business Park Use to Low Density Residential, to allow rezoning; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1823, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on November 18, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a city-initiated request to rezone real property generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15th Street to the west, except parcels fronting along East University Avenue (“Property”) from ‘EX’ Mixed Use District to ‘NX1’ Neighborhood Mix District; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1823, 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 December 20, 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 generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15th Street to the west, except parcels fronting along East University Avenue, legally described as:

ALL PARCELS IN THE AREA BOUNDED BY: EAST UNIVERSITY AVENUE TO THE NORTH, EXCEPT FOR PARCELS WITH FRONTAGE ALONG EAST UNIVERSITY AVENUE; INTERSTATE 235 (FREEWAY) TO THE EAST AND SOUTH, AND EAST 16TH STREET TO THE WEST; AND ADDITIONALLY, ALL PARCELS WITHIN THE BLOCK THAT IS BOUNDED BY EAST 15TH STREET TO THE WEST, WALKER STREET TO THE NORTH, E 16TH TO THE EAST AND INTERSTATE 235 (FREEWAY) TO THE SOUTH IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from EX Mixed Use District to NX1 Neighborhood Mix District; and



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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 'NX1' Neighborhood Mix 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 Business Park to Low Density Residential, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'NX1' Neighborhood Mix 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.

MOVED BY Westergaard TO ADOPT.

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG2021-000036)
(ZONG2021-000037)

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

MOTION CARRIED

APPROVED

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.

J. M. Franklin Cownie

Mayor

P. Kay Cmelik

City Clerk