



Date April 4, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM HOLT SALES AND SERVICES, LLC
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND
TO REZONE PROPERTY LOCATED AT 2500 DEAN AVENUE**

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2500 Dean Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to RX2 Mixed Use District and construction of a non-accessory surface parking lot, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a recommendation from the City Plan and Zoning Commission further advising that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to rezone the Property from N3c-4 Neighborhood District to Limited RX2 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. Use of the Property shall be limited to either Household Living use or a Non-Accessory Surface Parking Lot use in accordance with a Conditional Use approval by the Zoning Board of Adjustment.
2. Any Non-Accessory Surface Parking Lot use constructed on the Property shall be for customer and employee parking only. Any use of the Property for commercial vehicle parking, loading or unloading, or storage of materials shall be prohibited.
3. Any Non-Accessory Surface Parking Lot use shall provide a heavy side and rear landscape buffer, in accordance with Des Moines Municipal Code Chapter 135, Article 7, along its north and east perimeters.
4. Any development on the Property shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on April 4, 2022 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 2500 Dean Avenue and legally described as follows:

THE SOUTH 100 FEET OF LOTS 97 AND 99 IN BLOCK 12 IN GRANT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



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AND

LOTS 97 AND 99, BLOCK 12, GRANT PARK, EXCEPT THE SOUTH 100 FEET OF EACH LOT, AND LOTS 101, 103, 105 AND THE WEST ONE-HALF (W 1/2) LOT 107, BLOCK 12, GRANT PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

from N3c-4 Neighborhood District to Limited RX2 Mixed Use District to allow construction of a non-accessory surface parking lot, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment and subject to the above-stated conditions which have been agreed upon and accepted in writing by the property owner.

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 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 to Community Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited RX2 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.

MOVED BY Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

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

(ZONG-2022-000006; ZONG-2022-000011)

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

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. Frankin Cownie Mayor

P. Kay Cmelik City Clerk