

★ **Roll Call Number**  
22-0729

**Agenda Item Number**  
53

**Date** May 9, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM ANGEL GROFF TO AMEND  
PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY  
LOCATED AT 2200 EASTON BOULEVARD**

**WHEREAS**, on April 4, 2022, by Roll call No. 22-0532, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **DENIAL** of a request from Angel Groff (Owner), to amend the PlanDSM Creating Our Tomorrow Comprehensive Future Land use designation for real property locally known as 2200 Easton Boulevard (“Property”) from Low Density Residential to Industrial to allow rezoning to “I1” Industrial District to allow use of the property for “Vehicular Maintenance and Repair- Major” use; and

**WHEREAS**, on April 4, 2022, by Roll call No. 22-0532, the City Council received a further communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **DENIAL** of a request from Angel Groff (Owner), to rezone the Property from ‘N3a’ Neighborhood District to ‘I1’ Industrial District for the above-stated purpose; and

**WHEREAS**, on April 4, 2022, by Roll Call No. 22-0532, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on April 18, 2022 at 5:00 P.M., in the Council Chamber at City Hall; and

**WHEREAS**, the Property is legally described as follows:

LOTS 16 AND 17 IN BLOCK 16 EASTON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

**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**, on April 18, 2022, by Roll Call No. 22- 0633, the City Council opened and continued said hearing to 5:00 p.m. on May 9, 2022, at the Council Chambers, upon personal appearance of and request by the Applicant for additional time; 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

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



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Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all comments for and against the proposed rezoning of the Property to "I1" Industrial District, to allow use of the property for "Vehicular Maintenance and Repair - Major" use, are hereby received and filed, and the hearing is closed.

**Alternative A**

MOVED by Westergaard and Second by Boesen to adopt and **DENY** the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation and rezoning, and to make the following findings of fact regarding the proposed land use plan amendment and rezoning:

- a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested amendment of the PlanDSM Comprehensive Future Land Use Plan from Low Density Residential to Industrial and the requested rezoning of the Property to "I1" Industrial Mixed Use District, to allow use of the property for "Vehicular Maintenance and Repair - Major" use.
- b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential, which is not in conformance with the proposed Industrial District for Permitted Use of the Property as stated above, as Industrial Districts are intended to accommodate industrial development and limited supporting commercial uses, which would have a large impact on adjoining properties and the environment.
- c. The subject property is located along a portion of Easton Boulevard that contains low-density residential uses and religious assembly uses, and industrial uses could have a negative impact on adjoining properties and could produce byproducts that require environmental mitigation.
- d. The Property is small site not within a business park setting and is not suitable for Industrial zoning as it is located within close proximity to residential uses.
- e. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

**Alternative B**

MOVED by \_\_\_\_\_ and Seconded by \_\_\_\_\_ to continue the public hearing until May 23, 2022, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the proposed PlanDSM Comprehensive Future Land Use Plan amendment from Low Density Residential to Industrial and **APPROVE** the proposed rezoning from





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'N3a' Neighborhood District to 'I1' Industrial District, subject to conditions acceptable to the City and the owner.

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-6.3.9.B.1.

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG2022-000013; ZONG2022-000014)

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

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

John Fubella

MAYOR PRO TEM

P Kay Cmelik

City Clerk