

★ Roll Call Number
22-1353

Agenda Item Number
40

Date August 22, 2022..

RESOLUTION HOLDING HEARING ON REQUEST FROM DRAKE NEIGHBORHOOD ASSOCIATION (OWNER) TO AMEND PLANDSM FROM MEDIUM DENSITY RESIDENTIAL TO PARK/OPEN SPACE AND TO REZONE THE RECENTLY VACATED PROPERTY LOCATED IN THE VICINITY OF 2400 BLOCK OF COTTAGE GROVE AVENUE TO "P1" PUBLIC/PRIVATE OPEN SPACE DISTRICT TO ALLOW DEVELOPMENT OF THE OPEN SPACE WITH A GARDEN, SWING, AND NEIGHBORHOOD ENTRANCE SIGN

WHEREAS, on August 8, 2022, by Roll Call No. 22-1251, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 21, 2022, its members voted 13-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 2400 Block of Cottage Grove Avenue is not in conformance with the existing PlanDSM future land use designation of Medium Density Residential; and

WHEREAS, on August 8, 2022, by Roll Call No. 22-1251, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 21, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Drake Neighborhood Association (Owner[s]), represented by Lori Calhoun (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located in the vicinity of 2400 Block of Cottage Grove Avenue from Medium Density Residential to Park/Open Space; to rezone the Property to "P1" Public, Civic, and Institutional District to allow development of the open space, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan as amended; and

WHEREAS, the Property is legally described as follows:

A PART OF LOT 188, UNIVERSITY LAND CO.'S FIRST ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 189 OF SAID UNIVERSITY LAND CO.'S FIRST ADDITION TO DES MOINES; THENCE SOUTH 19' 41" EAST ALONG THE EAST LINE OF SAID LOT 189, A DISTANCE OF 38.23 FEET; THENCE NORTH 40' 19" EAST, 67.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56°58'12" EAST, 63.50 FEET; THENCE SOUTH 10°01'48" WEST, 8.08 FEET; THENCE SOUTH 60° 04'32" WEST, 60.00 FEET; THENCE NORTH 00° 08'06" EAST, 72.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,119 S.F.).

; and



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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 the PlanDSM Comprehensive Future Land Use Plan and rezoning request; and

WHEREAS, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment and rezoning request, 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 amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for the Property legally described above in the vicinity of 2400 Cottage Grove Avenue and the requested rezoning are hereby received and filed, any and all objections to the proposed amendment and rezoning request are overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property legally described above in the vicinity of 2400 Cottage Grove. to Park/Open Space is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to "P1" Public/Private Open Space District is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan as amended and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein

MOVED BY Sheumaker TO ADOPT. SECOND BY Mandelbaum.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000063)



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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner

City Clerk