



**Roll Call Number**

.....22-11609

**Agenda Item Number**

48

**Date** October 24, 2022

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM KEEGAN JARVIS (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3123 INDIANOLA AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 11-0 in support of a motion finding the requested rezoning for Property located at 3123 Indianola Avenue is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Keegan Jarvis (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 3123 Indianola Avenue from Low Density Residential to Industrial and to rezone the Property from "N3a" Neighborhood District to "I2" Industrial District to allow the use of the property for outdoor storage and auto recycling/junk and/or a salvage yard business; and

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

South ¼ of Lot 50 in OAK HILL, An Official Plat, now Included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, on October 3, 2022, by Roll Call No. 22-1514, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 23, 2022, 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, 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:

(CHOOSE ONE)

OPTION A

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments



**Roll Call Number**

22-11669

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48

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of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.

- 2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Industrial is hereby denied.
- 3. The proposed rezoning of the Property, as legally described above, from "N3a" Neighborhood District" to "I2" Industrial District, to allow the use of the property for outdoor storage and auto recycling/junk and/or salvage yard is hereby denied.

**OPTION B**

Continue the public hearing until November 7, 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 "N3a" Neighborhood District to "I2" Industrial District, subject to conditions acceptable to the City and the owner(s)

MOVED BY Gatto TO ADOPT OPTION A. Second by Boesen.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.  
Assistant City Attorney

(ZONG-2022-000059; ZONG-2022-000065)

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

MOTION CARRIED

APPROVED

J. M. Frankin 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