

Date January 9, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM KARY DUNN (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 810 EAST EUCLID AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 1, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Kary Dunn (owner), for the following regarding property located at 810 East Euclid Avenue:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the requested amendment to revise the future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Approval of the requested rezoning from “N5” Neighborhood District to Limited “MX3” Mixed Use District to allow the expansion of the parking lot on the property to the east, subject to the following conditions:

- 1) Provision of a Heavy Buffer between the proposed parking and the west property line of the subject property.
- 2) Provision of a Heavy Buffer between the proposed parking and the north property.
- 3) Any future construction or development of the site shall comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance (Chapter 135 of City Code).

WHEREAS, the Property is legally described as follows:

The East 43 feet of Lots Eighty-six (86) and Eighty-seven (87) in CAMPUS PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on December 12, 2022, by Roll Call No. 22-1882, 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 January 9, 2023, 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

Date January 9, 2023

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:

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 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 within a Community Node to Community Mixed Use within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "MX3" Mixed Use District, to allow the expansion of the parking lot on the property to the east, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Gatto.

FORM APPROVED:

/s/ Lisa A. Wieland
 Lisa A. Wieland
 Assistant City Attorney

(ZONG-2022-000098 & ZONG-2022-000088)

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

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.

MOTION CARRIED APPROVED
J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk