



Roll Call Number

23-0394

Agenda Item Number

29

Date March 27, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM PARK INDY, LLC (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 3140 INDIANOLA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion finding the requested rezoning from “NM” Neighborhood District to “NX2” Neighborhood Mix District for Property located in the vicinity of 3140 Indianola Avenue be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Park Indy, LLC (Owner) represented by Abbey Gilroy (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of 3140 Indianola Avenue from Low Density Residential within Neighborhood Node to Community Mixed Use within a Neighborhood Node; to rezone the Property from “NM” Neighborhood District to “NX2” Neighborhood Mix District, to allow for redevelopment of the property with multiple-household residential units, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

LOT 54 IN OAK HILL, AN OFFICIAL PLAT, EXCEPT THE NORTH 95 FEET AND EXCEPT THE SOUTH 25 FEET; AND EXCEPT THAT PART OF SAID LOT 54 IN OAK HILL, LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTHEAST CORNER OF SAID LOT 54 WHERE THE NORTHERLY LINE OF PARK AVENUE INTERSECTS THE WESTERLY LINE OF INDIANOLA AVENUE, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 54, 180.4 FEET, THENCE NORTH 23°30' EAST 75 FEET, THENCE NORTH 58°26' EAST 82.6 FEET, THENCE SOUTH 35°35' EAST ALONG THE EASTERLY LINE OF SAID LOT 54 AND THE WESTERLY LINE OF INDIANOLA AVENUE 137.7 FEET TO THE PLACE OF BEGINNING, AND EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY QUIT CLAIM DEEDS FILED FEBRUARY 10, 1984 AND RECORDED IN BOOK 5324 AT PAGES 709, 711 AND 713.

AND

THE EAST 10 FEET OF THE SOUTH 30 FEET OF LOT 54 AND THE EAST 10 FEET OF LOTS 64, 65, 66, 67, 68 AND 76 IN BLOCK "B" JEFFERSON HEIGHTS NO. 2, AN



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OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on April 10, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000011) (COMP-2023-000007)

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

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.

Signature of T. M. Franklin Cownie, Mayor

Signature of Laura Baumgartner, City Clerk