



Roll Call Number

23-0995

Agenda Item Number

30

Date July 17, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORP (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 3103 FOREST AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 3103 Forest Avenue is not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corp (Owner), represented by Abbey Gilroy (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located in the vicinity of 3103 Forest Avenue from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node; to rezone the Property from “MX1” Mixed Use District to “RX1” Mixed Use District to allow for development of the property for two (2) multiple-household apartment buildings and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

THE EAST ONE-HALF (E ½) OF LOT TWELVE (12) AND THE EAST ONE-HALF (E ½) OF THE SOUTH ONE-HALF (S ½) OF LOT ELEVEN (11) IN BLOCK SEVEN (7) IN MERRITT AND FISHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE WEST HALF (W ½) OF LOT TWELVE (12) AND THE WEST HALF (W ½) OF THE SOUTH ONE-HALF (S ½) OF LOT ELEVEN (11) IN BLOCK SEVEN (7) IN MERRITT AND FISHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 10 AND THE NORTH HALF OF LOT 11 IN BLOCK 7 IN MERRITT AND FISHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE

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CITY OF DES MOINES, 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 August 7, 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-2023-000031) (COMP-2023-000019)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED				
APPROVED				

J. M. Frankhu 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