

★ Roll Call Number

23-1112

Agenda Item Number

51

Date August 7, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING 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 to recommend **APPROVAL** of a request from Neighborhood Development Corp (Owner), represented by Abbey Gilroy (Officer), for the proposed rezoning from “MX1” Mixed Use District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Neighborhood Mixed Use within a 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 Plan Land Use Plan designation for the subject property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node; and

**WHEREAS**, the City Plan and Zoning Commission has further 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 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

**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**

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**LOT 10 AND THE NORTH HALF OF LOT 11 IN BLOCK 7 IN MERRITT AND FISCHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.; and**

**WHEREAS**, on July 17, 2023, by Roll Call No. 23-0995, 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 August 7, 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

**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 Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "MX1" Mixed Use District to "RX1" Mixed Use District to allow for development of the property for two (2) multiple-household apartment buildings, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Boesen TO ADOPT. SECOND BY Voss.

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000031) (COMP-2023-000019)

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

MOOTION 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