



Roll Call Number

23-1115

Agenda Item Number

52

Date August 7, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM EUCLID FORESIGHT, LLC (OWNER), REPRESENTED BY BRANDON FOLDES (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3619 5TH 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 Euclid Foresight, LLC (Owner), represented by Brandon Foldes, for the proposed rezoning from “N5” Neighborhood District to Limited “MX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential 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 Euclid Foresight, LLC (Owner), represented by Brandon Foldes, to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within Neighborhood Node to Neighborhood 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 Euclid Foresight, LLC (Owner), represented by Brandon Foldes, to rezone the Property from “N5” Neighborhood District to Limited “MX1” Mixed Use District to allow use of the property as a surface parking lot accessory to the property to the south, subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Residential uses permitted by the MX1 District, and
 - b. Surface parking accessory to a permitted use on the property to the south.; and

WHEREAS, the Property is legally described as follows:

LOT 17 IN BLOCK 21 IN HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.;
and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0996, 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

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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 Low Density Residential within Neighborhood Node to Neighborhood Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "MX1" Mixed Use District to allow use of the proper as a surface parking lot accessory to the property to the south, 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 Voss

FORM APPROVED:

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

(ZONG-2023-000030; COMP-2023-000018)

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

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk