



Roll Call Number

231487

Agenda Item Number

69

Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM WALNUT CREEK TRAILS, LLC (OWNER), REPRESENTED BY SCOTT SELIX (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 6222 GRAND AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM PARKS AND OPEN SPACE WITHIN A DEVELOPMENT CONTROL ZONE TO COMMUNITY MIXED USE WITHIN A DEVELOPMENT CONTROL ZONE, AND TO REZONE THE PROPERTY FROM “RX1” MIXED USE DISTRICT AND “F” FLOOD DISTRICT TO LIMITED “MX2” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY AS A RESTAURANT WITH A BREWERY COMPONENT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), for the proposed rezoning from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Parks and Open Space within a Development Control Zone;; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Parks and Open Space within a Development Control Zone to Community Mixed Use within a Development Control Zone; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), to rezone the Property from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District, to allow use of the property as a restaurant with a brewery component, subject to the following condition:

1. Any use upon the property shall comply with Chapter 50 of the Municipal Code relating to Floodplains, so long as any portion of the subject property is within a FEMA designated floodplain.; and

WHEREAS, the Property is legally described as follows:

LOTS 1 AND 2, EXCEPT THE NORTH 6 FEET THEREOF, IN MURROWDALE PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT



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A PART OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 0° (DEGREES) 01' (MINUTES) 21" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 214.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°01'21" WEST ALONG SAID WEST LINE, 4.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE NORTH 89°59'06" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 185.57 FEET TO THE SOUTHWEST RIGHT-OF-WAY LINE OF THE NORFOLK SOUTHERN RAILWAY; THENCE SOUTH 43°09'43" EAST ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, 5.48 FEET; THENCE SOUTH 89°59'06" WEST, 189.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (750 S.F.); and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1325, 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 October 23, 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 Parks and Open Space within a Development Control Zone to Community Mixed Use within a Development Control Zone is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "RX1" Mixed Use District and "F" Flood District to Limited "MX2" Mixed Use District, to allow use of the property as a restaurant with a brewery component, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY Mandelbaum TO ADOPT. SECOND BY Gatto

FORM APPROVED:

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

(COMP-2023-000027) (ZONG-2023-000047)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, 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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk