



Roll Call Number

24-0359

Agenda Item Number

49

Date March 4, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM IA9 DES MOINES, LLC (OWNER), REPRESENTED BY BRYAN SLAMA (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN VICINITY OF 1475 HART AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), for the proposed rezoning of three (3) parcels located in the vicinity of 1475 Hart Avenue, from “N1a” Neighborhood District to Limited “EX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan 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 January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), to rezone the Property from “N1a” Neighborhood District to Limited “EX” Mixed Use District, to allow the development of self-storage and/or flex warehouse buildings, subject to the following condition:

1. No individual storage unit shall be less than 600 square feet in area; and

WHEREAS, the Property is legally described as follows:

LOT 28 (EXCEPT THE EAST 100 FEET THEREOF), LOT 29 AND LOT 30 (EXCEPT THE WEST 30 FEET THEREOF) IN CAPITOL VIEW ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on February 5, 2024, by Roll Call No. 24-0180, 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 February 19, 2024, at 5:00 p.m., at the City Council Chambers; and

WHEREAS, on February 19, 2024, by Roll Call No. 24-0280, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be opened and continued for hearing on March 4, 2024, at 5:00 p.m., at the City Council Chambers; and

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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 a Neighborhood Node to Business Park within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N1a" Neighborhood District to Limited "EX" Mixed Use District, to allow the development of self-storage and/or flex warehouse buildings, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Voss.

FORM APPROVED:

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

(ZONG-2023-000041) (COMP-2023-000068)

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

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk