

★ **Roll Call Number**

.....24-0444.....

Agenda Item Number

43

DateMarch 18, 2024.....

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 3800-3804 INGERSOLL, LLC (OWNER), AND MGS, LLC (OWNER), REPRESENTED BY KIMBERLEY R. ROBERTSON (OFFICER), AND MICHAEL SIMPSON (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1205 EAST 33RD STREET AND 3304 EAST UNIVERSITY AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “N3B” NEIGHBORHOOD DISTRICT TO LIMITED “CX” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY FOR WAREHOUSING AND OTHER COMMERCIAL USES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), for the proposed rezoning from “N3b” Neighborhood District to Limited “CX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), to rezone the Property from “N3b” Neighborhood District to Limited “CX” Mixed-Use District, to allow the use of the property for warehousing and other commercial uses, subject to the following conditions:

1. Prohibition of the outdoor storage of equipment and materials.
2. Prohibition of bar, liquor store and major vehicle maintenance/repair uses.
3. The retaining wall shall be inspected and repaired to the satisfaction of the City’s Planning and Urban Design Administrator with any site plan.; and

WHEREAS, the Property is legally described as follows:

THE NORTH 37 FEET OF LOTS 5 & 6 IN FAIRVIEW HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK CO. IA; AND

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THE SOUTH 82 FEET OF LOTS 5 & 6 IN FAIRVIEW HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK CO. IA.

WHEREAS, on March 4, 2024, by Roll Call No. 24-0336, 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 March 18, 2024, 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 Low Density Residential to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3b" Neighborhood District to Limited "CX" Mixed-Use District, to allow the use of the property for warehousing and other commercial uses, 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 Gatto.

FORM APPROVED:

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

(ZONG-2024-000002) (COMP-2024-000004)

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

MOTION CARRIED

APPROVED

Connie Boesen 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