



Roll Call Number

24-0579

Agenda Item Number

24

Date April 15, 2024

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM PACIFIC STAR COMMUNICATIONS, INC. (OWNER) REPRESENTED BY MOLLY WINKLER (OFFICER) FOR THE FOLLOWING REGARDING TWO PARCELS LOCATED IN THE VICINITY OF 3900 EAST BROADWAY 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 “N2A” NEIGHBORHOOD DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY FOR AN “INDUSTRIAL SERVICE, LIGHT” USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), for the proposed rezoning from “N2a” Neighborhood District to Limited “MX3” 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 April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Pacific Star Communications, Inc. (Owner), represented by Molly Winkler (Officer), to rezone the two (2) parcels from “N2a” Neighborhood District to Limited “MX3” Mixed Use District, to allow use of the property for an “Industrial Service, Light” use, subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Uses permitted in the “MX3” Mixed-Use District that are allowed in the “RX1” Mixed-Use District.
 - b. Industrial Service, Light.; and

WHEREAS, the Property is legally described as follows:

PART OF LOTS 1 AND 2 IN BROADWAY ACRES, AN OFFICIAL PLAT IN POLK COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



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BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SYLVAN HEIGHTS PLAT 4, AN OFFICIAL PLAT IN POLK COUNTY IOWA; THENCE NORTH 00°26'34" WEST, A DISTANCE OF 485.59 FEET; THENCE NORTH 89°57'30" EAST, A DISTANCE OF 176.00 FEET; THENCE SOUTH 30°38'51" EAST, A DISTANCE OF 273.01 FEET; THENCE NORTH 89°50'32" EAST, A DISTANCE OF 154.00 FEET; THENCE SOUTH 00°09'13" WEST, A DISTANCE OF 250.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. BROADWAY AVENUE; THENCE SOUTH 89°51'53" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 464.75 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on May 6, 2024, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



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MOVED BY Gatto TO ADOPT.

SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000006) (COMP-2024-000006)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, 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.

Conie Boeser Mayor

Laura Baumgartner City Clerk