

★ **Roll Call Number**
..... 24-0170

Agenda Item Number
..... 43

Date May 20, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM GT PORTFOLIO IA, LLC (OWNER), REPRESENTED BY THOMAS KUHN (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1427 5TH AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL WITHIN A COMMUNITY NODE TO HIGH DENSITY RESIDENTIAL WITHIN A COMMUNITY NODE, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT, TO ALLOW RE-USE OF AN EXISTING BUILDING FOR SEVEN (7) RESIDENTIAL DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), for the proposed rezoning from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Community Node to High Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow re-use of an existing building for seven (7) residential dwelling units, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall be limited to no more than seven (7) dwelling units; and
2. Vehicular access to the Property for a multiple-household residential use shall only be allowed from the alleyway to the east; and
3. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and

WHEREAS, the Property is legally described as follows:

LOT 5, BATES ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK



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COUNTY, IOWA AND LOCALLY KNOWN AS 1427 – 5TH AVE., DES MOINES, IA 50314.

WHEREAS, on May 6, 2024, by Roll Call No. 24-0654, 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 May 20, 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 within a Community Node to High Density Residential within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "NX2" Neighborhood Mix District, to allow re-use of an existing building for seven (7) residential dwelling units, 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 Coleman TO ADOPT.

SECOND BY Gatto.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000009) (COMP-2024-000007)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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