

Date June 17, 2024

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM ORCHARD PLACE DES MOINES CHILDREN’S HOME (OWNER), REPRESENTED BY VALERIE SALTSGAVER (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 1301 KENYON AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “NX1” NEIGHBORHOOD MIX DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2024, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Orchard Place Des Moines Children’s Home (Owner), represented by Valerie Saltsgaver (Officer), for the proposed rezoning from “NX1” Neighborhood Mix 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; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2024, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Orchard Place Des Moines Children’s Home (Owner), represented by Valerie Saltsgaver (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 6, 2024, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Orchard Place Des Moines Children’s Home (Owner), represented by Valerie Saltsgaver (Officer), to rezone the Property from “NX1” Neighborhood Mix District to Limited “NX2” Neighborhood Mix District, to allow for the re-use of the existing building as a Group living not otherwise classified use, subject to the following conditions:

Any use of the property shall be limited to the following:

1. Any use as permitted and limited in the “NX1” Neighborhood Mix District, or
2. A Group Living Not Otherwise Classified use, per City Code Section 134-3.3.2.F, only so long as the Zoning Board of Adjustment grants a Conditional Use Approval for such use.; and

WHEREAS, the Property is legally described as follows:



Roll Call Number

240867

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AN IRREGULAR SHAPED PORTION OF LOT 2 AND LOT 3, DUNSHEE PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N00°10'58"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 198.64 FEET; THENCE S30°16'32"E, A DISTANCE OF 3.72 FEET; THENCE S21°32'16"E, A DISTANCE OF 73.42 FEET; THENCE S72°00'50"E, A DISTANCE OF 33.76 FEET; THENCE S25°53'08"E, A DISTANCE OF 39.96 FEET; THENCE S33°14'04"E, A DISTANCE OF 62.94 FEET; THENCE N05°16'19"W, A DISTANCE OF 29.65 FEET; THENCE N09°40'31"W, A DISTANCE OF 77.38 FEET; THENCE N46°08'21"E, A DISTANCE OF 32.78 FEET; THENCE N01°09'30"W, A DISTANCE OF 68.13 FEET; THENCE N88°40'24"E, A DISTANCE OF 10.42 FEET; THENCE S71°05'49"E, A DISTANCE OF 31.20 FEET; THENCE N25°52'55"E, A DISTANCE OF 43.78 FEET; THENCE S89°20'31"E, A DISTANCE OF 48.82 FEET; THENCE N46°09'40"E, A DISTANCE OF 15.33 FEET; THENCE N01°09'32"W, A DISTANCE OF 48.37 FEET; THENCE N34°07'09"E, A DISTANCE OF 36.45 FEET; THENCE N13°42'54"E, A DISTANCE OF 50.50 FEET; THENCE N88°46'55"E, A DISTANCE OF 17.55 FEET; THENCE S25°55'39"E, A DISTANCE OF 32.85 FEET; THENCE N28°57'21"E, A DISTANCE OF 7.01 FEET; THENCE S00°05'16"E, A DISTANCE OF 370.04 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE N89°46'57"W ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3, A DISTANCE OF 305.00 FEET TO THE POINT OF BEGINNING.

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 July 15, 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-2024-000013) (COMP-2024-000010)

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

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
Conie Breen Mayor

Laura Baumgartner City Clerk