



Roll Call Number

.....24-1064.....

Agenda Item Number

.....23.....

DateAugust 5, 2024.....

RESOLUTION SETTING HEARING ON REQUEST FROM LILLIAN C. RICCELLI (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE TWO PARCELS LOCATED AT 3803 INDIANOLA AVENUE AND 3805 INDIANOLA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024, its members voted 13-0 in support of a motion finding the requested rezoning for two parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue are not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024 its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lillian C Riccelli (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for two parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue from Low Density Residential to Neighborhood Mixed Use; to rezone the Property from N3a” Neighborhood District to “MX1” Mixed Use District, to allow a mixed-use (commercial and residential) redevelopment of the site, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

BEING A PART OF LOT 22 OF THE OFFICIAL PLAT OF THE NW ¼ OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 22; THENCE S00°16’01”W, ALONG THE EAST LINE OF SAID LOT 22, A DISTANCE OF 109.94 FEET; THENCE S60°03’17”W, 231.70 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INDIANOLA AVENUE, AS PRESENTLY ESTABLISHED; THENCE N39°03’39”W, ALONG SAID RIGHT-OF-WAY LINE, 112.97 FEET; THENCE N39°04’02”W, ALONG SAID RIGHT-OF-WAY LINE, 63.34 FEET; THENCE 115.67 FEET, ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF A 2962.50 FOOT RADIUS CURVE, CONCAVE NORTHEAST, HAVING A CHORD BEARING N37°56’55”W, 115.66 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 22; THENCE S89°47’06”E, ALONG SAID NORTH LINE, 90.63 FEET; THENCE S89°34’37”E, ALONG SAID NORTH LINE, 292.89 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.

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2. That the meeting of the City Council at which the proposed amendment 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 proposal, shall be held at 5:00 p.m. on August 19, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.

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.

MOVED BY Coleman TO ADOPT.

SECOND BY Simonson

FORM APPROVED:

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

(ZONG-2024-000019) (COMP-2024-000016)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO				✓
TOTAL	6			1

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