



Roll Call Number

24-1174

Agenda Item Number

42

Date August 19, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST 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 to recommend **APPROVAL** of a request from Lillian C Riccelli (Owner), for the proposed rezoning from N3a” Neighborhood District to “MX1” 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 July 18, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lillian C Riccelli (Owner), for 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 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 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

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.; and



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WHEREAS, on August 5, 2024, by Roll Call No. 24-1064, 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 August 19, 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 Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from N3a" Neighborhood District to "MX1" Mixed Use District, to allow a mixed-use (commercial and residential) redevelopment of the site, 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 Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

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

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

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

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