

★ **Roll Call Number**
24-1747

Agenda Item Number
48

Date December 23, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 414 61ST STREET, LLC (OWNER), REPRESENTED BY DANIEL DOYLE (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 414 61ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), for the proposed rezoning from “F” Flood District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Parks and Open Space and Development Control; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Parks and Open Space and Development Control to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), to rezone the Property from “F” Flood District to “RX1” Mixed Use District, to allow reuse of an existing building as an office; and

WHEREAS, the Property is legally described as follows:

LOTS 46, 47, 48, 49, 50 AND 51 IN GRAND AVENUE WATERBURY, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on December 9, 2024, by Roll Call No. 24-1637, 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 December 23, 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:

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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning are hereby overruled, and the hearing is closed.

Alternative A

MOVED by Mandelbaum to DENY the proposed rezoning.

Second by Gatto

Alternative B

MOVED by _____ to continue the public hearing until January 13, 2025, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the requested rezoning for Property from "F" Flood District to "RX1" Mixed Use District, to allow reuse of an existing building as an office, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Second by _____

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

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

(ZONG-2024-000039) (COMP-2024-000024)

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