



Roll Call Number

25-0210

Agenda Item Number

40

Date February 10, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM INVEST DSM, INC. (OWNER), REPRESENTED BY CHRISTOPHER CIVITATE (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY IN THE VICINITY OF 3610 5TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), for the proposed rezoning from “MX1” Mixed Use District to Limited “RX1” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), to rezone the Property from “MX1” Mixed Use District to Limited “RX1” Mixed Use District, to allow redevelopment of the property for a multiple-household building with up to twelve (12) dwelling units, subject to the following conditions:

1. There shall be no more than twelve (12) dwelling units on the subject property (measuring approximately 0.298-acre).; and

WHEREAS, the Property is legally described as follows:

LOTS 9 AND 10 IN BLOCK 22 IN HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on January 27, 2025, by Roll Call No. 25-0116, 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 February 10, 2025, 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

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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 Neighborhood Node to High Density Residential within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "MX1" Mixed Use District to Limited "RX1" Mixed Use District, to allow redevelopment of the property for a multiple-household building with up to twelve (12) 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 Westergaard TO ADOPT. SECOND BY Voss

FORM APPROVED:

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

(ZONG-2024-000043) (COMP-2024-000029)

| 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

Connie Boesen
Mayor

Laura Baumgartner
City Clerk