



Roll Call Number

21-0488

Agenda Item Number

36

Date March 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM WOODSONIA ACQUISITIONS, LLC, TO REZONE PROPERTY LOCATED AT 2510 INGERSOLL AVENUE

WHEREAS, on March 8, 2021, by Roll Call No. 21-0371, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 18, 2021, its members voted 14-0 support of a motion to recommend APPROVAL of a request from Woodsonia Acquisitions, LLC, (purchaser), represented by Jeff Elliot (officer), to rezone the real property locally known as 2510 Ingersoll Avenue ("Property"), which is owned by the Noah L. and Sara Ann Lacona Revocable Trust (owner), represented by Antoinette Lacona-Erickson (trustee), from 'MX2' Mixed Use District to Limited 'MX3' Mixed Use District, to allow use of the property for a Restaurant with a drive-through component, subject to the condition as follows:

- 1. That Permitted and Conditional Uses are limited to a restaurant with a drive-through component and to those in common with the 'MX2' Mixed Use District and as limited in the 'MX2' Mixed Use District; and

WHEREAS, on March 8, 2021, by Roll Call No. 21-0371, it was duly resolved by the City Council that that the request to rezone the Property be set down for hearing be set down for hearing on March 22, 2021 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID 19 in the community, without public access to the meeting location; 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 proposed request to rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

WHEREAS, the Property is legally described as follows:

LOT 4 OF J BAMPF PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 rezoning of the Property to Limited 'MX3' Mixed Use District subject to the condition that Permitted and Conditional Uses are limited to a restaurant with a drive-through component and to those in common with the 'MX2' Mixed Use District and as limited in the 'MX2' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited 'MX3' Mixed Use District subject to the condition that Permitted and Conditional Uses are limited to a restaurant with a drive-through component and to those in common with the 'MX2' Mixed Use District and as limited in the 'MX2' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

(ZON2020-00166)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

P. Kay Cmelik  
City Clerk