

★ **Roll Call Number**
24-0521

Agenda Item Number
43

Date April 1, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM HURD INGERSOLL, LLC (OWNER), REPRESENTED BY RICHARD HURD (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY IN THE VICINITY OF 3121 INGERSOLL AVENUE AND 3111 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 13-1 in support of a motion to recommend **APPROVAL** of a request from Hurd Ingersoll, LLC (owner), represented by Richard Hurd (officer), for Property located in the vicinity of 3121 Ingersoll Avenue and 3111 Ingersoll Avenue is not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use and Low Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 13-1 in support of a motion to recommend **APPROVAL** of a request from Hurd Ingersoll, LLC (owner), represented by Richard Hurd (officer), for Property located in the vicinity of 3121 Ingersoll Avenue and 3111 Ingersoll Avenue, to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Neighborhood Mixed Use and Low Density Residential within a Community Node to Community Mixed Use within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 7, 2024, its members voted 13-1 in support of a motion to recommend **APPROVAL** of a request from Hurd Ingersoll, LLC (owner), represented by Richard Hurd (officer), to rezone the northwest portion of the site from "RX1" Mixed Use District to "MX2" Mixed Use District, and rezone the northernmost parcel from "N5" Neighborhood District to "RX1" Mixed Use District, to allow development of a mixed-use (commercial and residential) building, a multiple-household building, and rowhome buildings; and

WHEREAS, the Property is legally described as follows:

ZONING RX1

LOT 4, BLOCK 1, GARVER PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA.

ZONING MX2

THE SOUTH 174 FEET OF LOT 1, A PART OF LOTS 5 THROUGH 8, AND A PART OF LOTS 11 AND 12, ALL BEING IN BLOCK 1, GARVER PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89°18'03" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 40.27 FEET; THENCE SOUTH 00°41'40" WEST, 135.41 FEET; THENCE SOUTHERLY

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ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 27.00 FEET, WHOSE ARC LENGTH IS 21.53 FEET AND WHOSE CHORD BEARS SOUTH 22°09'10" EAST, 20.97 FEET; THENCE SOUTH 45°00'00" EAST, 44.72 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 27.00 FEET, WHOSE ARC LENGTH IS 20.92 FEET AND WHOSE CHORD BEARS SOUTH 67°11'41" EAST, 20.40 FEET; THENCE SOUTH 89°23'22" EAST, 56.88 FEET TO THE EAST LINE OF SAID LOT 8; THENCE SOUTH 00°30'14" WEST ALONG SAID EAST LINE, 40.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 89°38'58" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 158.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°11'09" EAST ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 9.27 FEET; THENCE NORTH 89°48'02" WEST, 75.15 FEET TO THE EAST LINE OF SAID LOT 12; THENCE SOUTH 00°28'40" WEST ALONG SAID EAST LINE, 5.60 FEET; THENCE NORTH 89°48'00" WEST, 72.80 FEET TO THE WEST LINE OF SAID LOT 12; THENCE NORTH 00°26'40" EAST ALONG THE WEST LINE OF SAID LOT 12 AND THE WEST LINE OF SAID LOT 1, A DISTANCE OF 170.36 FEET TO THE SOUTHEAST CORNER OF LOT 10, HORTONDALE, AN OFFICIAL PLAT; THENCE NORTH 00°24'47" EAST ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 63.34 FEET TO THE NORTH LINE OF SAID SOUTH 174 FEET OF LOT 1; THENCE SOUTH 89°17'58" EAST ALONG SAID NORTH LINE, 151.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.15 ACRES (50,299 SQUARE FEET); and

WHEREAS, on March 18, 2024, by Roll Call No. 24-0416, 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 April 1, 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

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classification for the Property from Neighborhood Mixed Use and Low Density Residential within a Community Node to Community Mixed Use within a Community Node is hereby approved.

3. The proposed rezoning of the Property, as legally described above, the northwest portion of the site from "RX1" Mixed Use District to "MX2" Mixed Use District, and the northernmost parcel from "N5" Neighborhood District to "RX1" Mixed Use District, to allow development of a mixed-use (commercial and residential) building, a multiple-household building, and rowhome buildings, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT. SECOND BY Gatto.

FORM APPROVED:

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

(ZONG-2023-000076) (COMP-2024-000001)

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