

★ **Roll Call Number**

25-0782

**Agenda Item Number**

51

**Date** May 19, 2025

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM SIMMONDS PROPERTIES (OWNER), MICHAEL H. SIMMONDS (OWNER), AND LINDA G. SIMMONDS, REPRESENTED BY JIM SNELL TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3018 EAST UNIVERSITY AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 17, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Simmonds Properties (Owner), Michael H. Simmonds (Owner), and Linda G. Simmonds (Owner), represented by Jim Snell, for the proposed rezoning from “N5” Neighborhood District to “MX3” Mixed Use District be found not 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 April 17, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Simmonds Properties (Owner), Michael H. Simmonds (Owner), and Linda G. Simmonds (Owner), represented by Jim Snell, for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on April 17, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Simmonds Properties (Owner), Michael H. Simmonds (Owner), and Linda G. Simmonds (Owner), represented by Jim Snell, to rezone the Property from “N5” Neighborhood District to “MX3” Mixed Use District, to allow expansion of an existing drive-through restaurant; and

**WHEREAS**, the Property is legally described as follows:

**LOT 20 IN BLOCK 10 IN HYDE PARK PLAT TWO, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.; and**

**WHEREAS**, on May 5, 2025, by Roll Call No. 25-0656, 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 May 19, 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

**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.



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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 Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to "MX3" Mixed Use District, to allow expansion of an existing drive-through restaurant, 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-2025-000010) (COMP-2025-000007)

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.

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

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

Laura Baumgartner

City Clerk