



Roll Call Number

26-0065

Agenda Item Number

21

Date January 12, 2026

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM EVERGREEN, LLC (OWNER), REPRESENTED BY SUKHVIR KAUR (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 4540 LOWER BEAVER ROAD, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD MIXED USE, AND TO REZONE THE PROPERTY FROM "NX2" NEIGHBORHOOD MIX DISTRICT TO LIMITED "RX1" MIXED-USE DISTRICT TO ALLOW REUSE OF AN EXISTING NON-CONFORMING AUTO REPAIR BUILDING FOR AN ICE CREAM SHOP AND DRIVE-THROUGH

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 18, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Evergreen, LLC (Owner), represented by Sukhvir Kaur (Officer), for the proposed rezoning from "NX2" Neighborhood Mix District to Limited "RX1" Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan designation of Neighborhood Mixed-Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 18, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Evergreen, LLC (Owner), represented by Sukhvir Kaur (Officer), to amend the PlanDSM: Creating Our Tomorrow Land Use Plan designation for the subject property from Low Medium Density Residential to Neighborhood Mixed-Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on December 18, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Evergreen, LLC (Owner), represented by Sukhvir Kaur (Officer), to rezone the Property from "NX2" Neighborhood Mix District to Limited "RX1" Mixed-Use District, to allow the reuse of an existing non-conforming auto repair building for an ice cream shop and drive-through, subject to the following condition:

1. Overgrowth and weeds shall be removed from the property prior to the property being occupied for commercial use to the satisfaction of the Planning and Urban Design Administrator, and the property shall be maintained in that state.

WHEREAS, the Property is legally described as follows:

Part of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 79, Range 14, West of the 5th P.M., described as follows: Beginning at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 20, thence East 654.3 feet thence South 1°46' East, 454.1 feet parallel and 33 feet distant from the center of Lower Beaver Road to the point of beginning; thence South 90°00' West 32.0 feet to P.C. of 14°54' curve to left; thence along said 14°54' curve to left a distance of

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88.4 feet; thence South 1046' East, 140 feet parallel to Lower Beaver Road; thence South 90°00' East, 120 feet to a point 33 feet from center line of Lower Beaver Road, thence North 1°46' West, 150 feet to point of beginning; all 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:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 26, 2026, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

Moved by Gatto to adopt.

Second by Voss.

FORM APPROVED:

/s/ Emily A. Duffy

Emily A. Duffy

Assistant City Attorney

(ZONG-2025-000035)

(COMP-2025-000027)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
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