



Roll Call Number

20-0860

Agenda Item Number

48

Date May 18, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM SCOTTISH RITE PARK, INC. TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2909 WOODLAND AVENUE

WHEREAS, on May 4, 2020, by Roll Call No. 20-0752, the City Council received the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Scottish Rite Park, Inc. (owner), represented by Daniel J. Boor (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2909 Woodland Avenue (“Property”) from Public/Semi-Public to Neighborhood Mixed Use to allow rezoning to RX1 Mixed-Use District and allow for consideration by the Zoning Board of Adjustment of a conditional use for a business selling liquor, wine and/or beer as a restaurant within the existing assisted living residential facility; and

WHEREAS, on May 4, 2020, by Roll Call No. 20-0752, the City Council received the City Plan and Zoning Commission further advising that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Scottish Rite Park, Inc. to rezone the Property from NX3 Neighborhood Mix District to RX1 Mixed-Use District for the conditional use purpose described above; and

WHEREAS, on May 4, 2020, by Roll Call No. 20-0752, it was duly resolved by the City Council that the request to amend the PlanDSM future land use designation and rezone the Property be set down for hearing on May 18, 2020 at 5:00 P.M., in accordance with the Governor’s and Mayor’s Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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 amendment to the PlanDSM future land use designation and Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM future land use designation and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2909 Woodland Avenue, legally described as:

ALL OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., EXCEPT THE WEST 576 FEET; EXCEPT THE NORTH 155 FEET OF THE EAST 500 FEET; EXCEPT THE SOUTH 33

Date May 18, 2020

FEET; AND EXCEPT THE EAST 33 FEET, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from NX3 Neighborhood Mix District to RX1 Mixed-Use District, to allow rezoning to RX1 Mixed-Use District and allow for consideration by the Zoning Board of Adjustment of a conditional use for a business selling liquor, wine and/or beer as a restaurant within the existing assisted living residential facility.

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 to the PlanDSM future land use designation or rezoning of the Property to RX1 Mixed-Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 2909 Woodland Avenue to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to RX1 Mixed-Use District is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.07)
(ZON2020-00032)

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

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk