

Date September 14, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM ANCHOR INVESTMENT GROUP, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 827 SHAW STREET

WHEREAS, on August 17, 2020, by Roll Call No. 20-1321, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2020, its members voted 12-0-1 in support of a motion to recommend **DENIAL** of a request from Anchor Investment Group, LLC (owner), represented by Michael Donlin (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 827 Shaw Street (“Property”) from Low-Medium Density Residential to High Density Residential, in order to retain density allowance at the current 12 unit per net acre maximum under a Low-Medium Density Residential designation for any proposed or future development rather than increase density allowance to 17 units per acre minimum under a High Density Residential designation; and

WHEREAS, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 6, 2020, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Anchor Investment Group, LLC to rezone the Property from N3c Neighborhood District to NX2 Neighborhood Mix District to allow demolition of the existing residential structure and detached garage and redevelopment of the Property for residential purposes; and

WHEREAS, on August 17, 2020, by Roll Call No. 20-1321, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on September 14, 2020 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 COVID19 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 land use amendment and rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment 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 827 Shaw Street, legally described as:

The East ½ of Lot 5 and all of Lot 6 in WILLIAMS & GARVER’S SUBDIVISION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

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from N3c Neighborhood District to NX2 Neighborhood Mix District to allow demolition of the existing residential structure and detached garage and redevelopment of the Property for residential purposes.

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 NX2 Neighborhood Mix 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 827 Shaw Street to High Density Residential is hereby denied.
3. The proposed rezoning of the Property, as legally described above, to NX2 Neighborhood Mix 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 Gatto TO ADOPT.

FORM APPROVED:

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

(21-2020-4.11)
(ZON2020-00072)

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