



**Roll Call Number**

21-1031

**Agenda Item Number**

60

**Date** June 28, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM ZION CAPITAL GROUP, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2453 EAST GRAND AVENUE**

**WHEREAS**, on June 14, 2021, by Roll Call No. 21-0860, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Zion Capital Group, LLC (owner), represented by Ryan Campos (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2453 East Grand Avenue (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow rezoning to Limited ‘RX1’ Mixed Use District to allow reuse of the existing building for mixed residential and commercial use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Zion Capital Group, LLC Company (Owner), represented by Ryan Campos (officer), to rezone the Property from ‘N3c’ Neighborhood District to Limited ‘RX1’ Mixed Use District for the above-stated purpose, subject to the following conditions:

1. The Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “RX1” Districts and either the Commercial Cottage or General Building type, including landscaping and paving requirements, within one (1) year of the approval of the rezoning;
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator;
3. The number of Household Living Units on the property shall not exceed three (3) units; and

**WHEREAS**, on June 14, 2021, by Roll Call No. 21-0860, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on June 28, 2021 at 5:00 P.M., in the 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 proposed amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to PlanDSM and proposed 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



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**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 2453 East Grand Avenue, legally described as:

THE EAST 55 FEET OF LOT 1 IN CENTRAL PARK, AN OFFICIAL PLAT, AND THE WEST 15 FEET OF LOT A IN WM. T. SMITH'S GRAND AVENUE ADDITION TO GRANT PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from 'N3c' Neighborhood District to Limited 'RX1' Mixed Use District, subject to the conditions stated above.

**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 PlanDSM and proposed rezoning of the Property to Limited 'RX1' Mixed Use District 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 to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited 'RX1' Mixed Use 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: Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

(21-2021-4.12)  
(ZON2021-00023)

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