



**Date** September 12, 2022

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM 4021 PROPERTIES, LLC (OWNER), REPRESENTED BY JENNY SMITH (OFFICER), FOR PROPERTY LOCATED AT 4019 AND 4021 INGERSOLL AVENUE, TO REZONE THE PROPERTY FROM “RX2” MIXED-USE DISTRICT TO LIMITED “RX2” MIXED-USE DISTRICT TO ALLOW A 2-STORY BUILDING ADDITION FOR EXPANSION OF OFFICE USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from 4021 Properties, LLC (owner), represented by Jenny Smith (officer), to Amend PlanDSM Creating Our Tomorrow Plan to Revise the Future Land Use Classification from medium density residential to community mixed use, to rezone the Property from “NX2” Neighborhood Mix District to Limited “RX2” Mixed-Use District, to allow a 2-story building addition for expansion of office use, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

**WHEREAS**, by Ordinance No. 16,163, the City Council of the City of Des Moines rezoned said Property from “NX2” Neighborhood Mix District to “RX2” Mixed-Use District;

**WHEREAS**, prior to the passage of said Ordinance No. 16,163, the owner consented to the following condition for such rezoning: Any future construction on the site shall be in accordance with the “Preservation Brief 14: New Exterior Additions to Historic Buildings” to the satisfaction of the City’s Planning Administrator; and

**WHEREAS**, due to this condition, further action is required by the City Council in order rezone the Property from “RX2” Mixed-Use District to Limited “RX2” Mixed-Use District; and

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

The East 80 feet of the North 200 feet of the South 217 ½ feet of Lot 7 in Greenwood Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 3, 2022.
2. 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



Roll Call Number

22-1413

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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 Boesen

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000054)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (YEAS: 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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk