



Roll Call Number

22-1565

Agenda Item Number

60

Date October 3, 2022

RESOLUTION HOLDING 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.

WHEREAS, on September 12, 2022, by Roll Call No. 22- 1413, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on October 3, 2022, at 5:00 p.m., at the City 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



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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 rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from "RX2" Mixed-Use District to Limited "RX2" Mixed-Use District, to allow a 2-story building addition for expansion of office use, subject to the following condition: any future construction on the site be in accordance with the "Preservation Brief 14: New Exterior Additions to Historic Buildings" to the satisfaction of the City's Planning Administrator, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000054)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

Laura Baumgartner City Clerk