



Roll Call Number

23-0392

Agenda Item Number

27

Date March 27, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM CHASING WATERFALLS, LLC (OWNER), REPRESENTED BY CHRISTOPHER THOMPSON (OFFICER) FOR THE PROPERTY LOCATED AT THE WEST HALF (TWO LOTS) OF 2215 SUNSET ROAD, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM BUSINESS PARK TO INDUSTRIAL, AND TO REZONE THE PROPERTY FROM “EX” MIXED USE DISTRICT TO LIMITED “I1” INDUSTRIAL DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR OUTDOOR STORAGE FOR A LANDSCAPING BUSINESS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Chasing Waterfalls, LLC (Owner), represented by Christopher Thompson (Officer), for the proposed rezoning from “EX” Mixed Use District to Limited “I1” Industrial District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Chasing Waterfalls, LLC (Owner), represented by Christopher Thompson (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 2, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Chasing Waterfalls, LLC (Owner), represented by Christopher Thompson (Officer), to rezone the Property from “EX” Mixed Use District to Limited “I1” Industrial District, to allow the use of the property for outdoor storage for a landscaping business, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - a. Any use as permitted and limited in the “EX” District.
 - b. A Landscaping business.; and
2. Any outdoor storage shall only be accessory to a landscaping business, so long as outdoor storage is placed and screened to the satisfaction of the Planning Administrator.; and
3. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).; and

WHEREAS, the Property is legally described as follows:

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LOTS ONE HUNDRED FORTY-ONE (141) AND ONE HUNDRED FORTY-TWO (142) IN VALLEY GARDENS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and 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 April 10, 2023, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. 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 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/ Chas M. Cahill
 Chas M. Cahill
 Assistant City Attorney

(COMP-2023-000003; ZONG-2023-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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.

T. M. Frankie Currie Mayor

Laura Baumgartner City Clerk