



**Roll Call Number**

23-0527

**Agenda Item Number**

57

**Date** April 10, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PARK INDY, LLC (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 3140 INDIANOLA AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion finding the requested rezoning from “NM” Neighborhood District to “NX2” Neighborhood Mix District for Property located in the vicinity of 3140 Indianola Avenue be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Park Indy, LLC (Owner) represented by Abbey Gilroy (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within Neighborhood Node to Community Mixed Use within a Neighborhood Node; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Park Indy, LLC (Owner) represented by Abbey Gilroy (Officer), to rezone the Property from “NM” Neighborhood District to “NX2” Neighborhood Mix District, to allow for redevelopment of the property with multiple-household residential units; and

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

LOT 54 IN OAK HILL, AN OFFICIAL PLAT, EXCEPT THE NORTH 95 FEET AND EXCEPT THE SOUTH 25 FEET; AND EXCEPT THAT PART OF SAID LOT 54 IN OAK HILL, LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTHEAST CORNER OF SAID LOT 54 WHERE THE NORTHERLY LINE OF PARK AVENUE INTERSECTS THE WESTERLY LINE OF INDIANOLA AVENUE, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 54, 180.4 FEET, THENCE NORTH 23°30' EAST 75 FEET, THENCE NORTH 58°26' EAST 82.6 FEET, THENCE SOUTH 35°35' EAST ALONG THE EASTERLY LINE OF SAID LOT 54 AND THE WESTERLY LINE OF INDIANOLA AVENUE 137.7 FEET TO THE PLACE OF BEGINNING, AND EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY QUIT CLAIM DEEDS FILED FEBRUARY 10, 1984 AND RECORDED IN BOOK 5324 AT PAGES 709, 711 AND 713.

AND



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THE EAST 10 FEET OF THE SOUTH 30 FEET OF LOT 54 AND THE EAST 10 FEET OF LOTS 64, 65, 66, 67, 68 AND 76 IN BLOCK "B" JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

**WHEREAS**, on March 27, 2023, by Roll Call No. 23-0394, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on April 10, 2023, 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.

**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 and rezoning 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 within Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "NM" Neighborhood District to "NX2" Neighborhood Mix District, to allow redevelopment of the property with multiple-household residential units, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY Gatto TO ADOPT. SECOND BY Voss.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000011) (COMP-2023-000007)

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

**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