



Roll Call Number

23-0533

Agenda Item Number

59

Date April 10, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM CHASING WATERFALLS, LLC (OWNER), REPRESENTED BY CHRISTOPHER THOMPSON (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT THE WEST HALF (TWO LOTS) OF 2215 SUNSET ROAD

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:

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.



Roll Call Number

23-0533

Agenda Item Number

59

Date April 10, 2023

WHEREAS, on March 27, 2023, by Roll Call No. 23-0392, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing 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 Business Park to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, "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 conditions set forth above, 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/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000006) (COMP-2023-000006)



Roll Call Number

23-0533

Agenda Item Number

59

Date April 10, 2023

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