

★ Roll Call Number

.....23-1325

Agenda Item Number

.....35

DateOctober 23, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM WALNUT CREEK TRAILS, LLC (OWNER), REPRESENTED BY SCOTT SELIX (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 6222 GRAND AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM PARKS AND OPEN SPACE WITHIN A DEVELOPMENT CONTROL ZONE TO COMMUNITY MIXED USE WITHIN A DEVELOPMENT CONTROL ZONE, AND TO REZONE THE PROPERTY FROM “RX1” MIXED USE DISTRICT AND “F” FLOOD DISTRICT TO LIMITED “MX2” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY AS A RESTAURANT WITH A BREWERY COMPONENT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), for the proposed rezoning from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Parks and Open Space within a Development Control Zone; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Parks and Open Space within a Development Control Zone to Community Mixed Use within a Development Control Zone; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Walnut Creek Trails, LLC (owner), represented by Scott Selix (officer), to rezone the Property from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District, to allow use of the property as a restaurant with a brewery component, subject to the following condition:

1. Any use upon the property shall comply with Chapter 50 of the Municipal Code relating to Floodplains, so long as any portion of the subject property is within a FEMA designated floodplain.

WHEREAS, the Property is legally described as follows:

LOTS 1 AND 2, EXCEPT THE NORTH 6 FEET THEREOF, IN MURROWDALE PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT



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A PART OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 0° (DEGREES) 01' (MINUTES) 21" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 214.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°01'21" WEST ALONG SAID WEST LINE, 4.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE NORTH 89°59'06" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 185.57 FEET TO THE SOUTHWEST RIGHT-OF-WAY LINE OF THE NORFOLK SOUTHERN RAILWAY; THENCE SOUTH 43°09'43" EAST ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, 5.48 FEET; THENCE SOUTH 89°59'06" WEST, 189.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (750 S.F.).

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 October 23, 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.

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MOVED BY Gatto TO ADOPT
SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(COMP-2023-000027) (ZONG-2023-000047)

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

MOTION CARRIED APPROVED
J. M. Frankin 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