



**Roll Call Number**

23-1650

**Agenda Item Number**

45

**Date** November 20, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM STARLINK, LLC (OWNER), REPRESENTED BY BECKY HIU (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1900 ARLINGTON AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW-MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO “NX1” MIXED USE DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR MULTIPLE-HOUSEHOLD RESIDENTIAL USE WITH UP TO SEVEN (7) DWELLING UNITS**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 5-5 without making any recommendation on a request from Starlink, LLC (owner), represented by Becky Hiu (officer), for the proposed rezoning for property located at 1900 Arlington Avenue from “N5” Neighborhood District to “NX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 5-5 without making any recommendation on a request from Starlink, LLC (owner), represented by Becky Hiu (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to High Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on October 5, 2023, its members voted 5-5 without making any recommendation on a request from Starlink, LLC (owner), represented by Becky Hiu (officer), to rezone the property located at 1900 Arlington Avenue from “N5” Neighborhood District to “NX1” Neighborhood Mix District, to allow reuse of the existing structure for multiple-household residential use with up to seven (7) dwelling units; and

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

**LOTS 9 AND 10 IN ARLINGTON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, EXCEPT THAT PART OF SAID LOTS DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF LOT 10; THENCE EAST 35 FEET ALONG THE NORTH LINE OF FRANKLIN AVENUE, THENCE NORTH 71 1/2 FEET TO A POINT IN THE NORTH LINE LOT 9 WHICH IS 65 FEET NORTHEAST OF THE NORTHWEST CORNER OF LOT 9, THENCE WESTERLY TO THE NORTHWEST CORNER OF LOT 9, THENCE SOUTHEASTERLY 56.4 FEET ALONG THE WEST LINE OF LOTS 9 AND 10 TO THE PLACE OF BEGINNING, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

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**WHEREAS**, on October 23, 2023, by Roll Call No. 23-1430, 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 November 6, 2023, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on November 6, 2023, by Roll Call No. 23-1574, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be opened and continued for hearing on November 20, 2023, at 5:00 p.m., at the City Council Chambers; 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.

**Alternative A - Denial**

MOVED by Coleman to DENY the proposed amendment and rezoning. Second by Gatto

**Alternative B – Continuance to Draft Approval with Conditions**

MOVED by \_\_\_\_\_ to continue the public hearing until December, 4, 2023, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation with conditions to **APPROVE** the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to High Density Residential and the requested rezoning for Property from “N5” Neighborhood District to Limited “NX1” Neighborhood Mix District, to allow reuse of the existing structure for multiple-household residential use, subject to conditions, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. Second by \_\_\_\_\_

**(NOTE – FUTURE APPROVAL WILL REQUIRE SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS)**

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FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000052) (COMP-2023-000029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
<i>Coleman</i>	✓			
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