



Roll Call Number

24-0336

Agenda Item Number

27

Date March 4, 2024

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM 3800-3804 INGERSOLL, LLC (OWNER), AND MGS, LLC (OWNER), REPRESENTED BY KIMBERLEY R. ROBERTSON (OFFICER), AND MICHAEL SIMPSON (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1205 EAST 33RD STREET AND 3304 EAST UNIVERSITY AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “N3B” NEIGHBORHOOD DISTRICT TO LIMITED “CX” MIXED USE DISTRICT, TO ALLOW USE OF THE PROPERTY FOR WAREHOUSING AND OTHER COMMERCIAL USES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), for the proposed rezoning from “N3b” Neighborhood District to Limited “CX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 15, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3800-3804 Ingersoll, LLC (owner), and MGS, LLC (owner), represented by Kimberley R Robertson (officer), and Michael Simpson (officer), to rezone the Property from “N3b” Neighborhood District to Limited “CX” Mixed-Use District, to allow the use of the property for warehousing and other commercial uses, subject to the following conditions:

1. Prohibition of the outdoor storage of equipment and materials.
2. Prohibition of bar, liquor store and major vehicle maintenance/repair uses.
3. The retaining wall shall be inspected and repaired to the satisfaction of the City’s Planning and Urban Design Administrator with any site plan.; and



Roll Call Number

24-0336

Agenda Item Number

27

Date March 4, 2024

WHEREAS, the Property is legally described as follows:

THE NORTH 37 FEET OF LOTS 5 & 6 IN FAIRVIEW HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK CO. IA; AND

THE SOUTH 82 FEET OF LOTS 5 & 6 IN FAIRVIEW HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK CO. IA.

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 March 18, 2024, 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.



Roll Call Number

24-0336

Agenda Item Number

27

Date March 4, 2024

MOVED BY Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000002) (COMP-2024-000004)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, COLEMAN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

Connie Boeser 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