



Roll Call Number

24-0416

Agenda Item Number

23

Date March 18, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM HURD INGERSOLL, LLC (OWNER), REPRESENTED BY RICHARD HURD (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY IN THE VICINITY OF 3121 INGERSOLL AVENUE AND 3111 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 13-1 in support of a motion finding the requested rezoning for Property located in the vicinity of 3121 Ingersoll Avenue and 3111 Ingersoll Avenue is not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use and Low Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 13-1 in support of a motion to recommend **APPROVAL** of a request from Hurd Ingersoll, LLC (owner), represented by Richard Hurd (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located in the vicinity of 3121 Ingersoll Avenue and 3111 Ingersoll Avenue from Neighborhood Mixed Use and Low Density Residential within a Community Node to Community Mixed Use within a Community Node; to rezone the northwest portion of the site from "RX1" Mixed Use District to "MX2" Mixed Use District, and rezone the northernmost parcel from "N5" Neighborhood District to "RX1" Mixed Use District, to allow development of a mixed-use (commercial and residential) building, a multiple-household building, and rowhome buildings, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

ZONING RX1

LOT 4, BLOCK 1, GARVER PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA.

ZONING MX2

THE SOUTH 174 FEET OF LOT 1, A PART OF LOTS 5 THROUGH 8, AND A PART OF LOTS 11 AND 12, ALL BEING IN BLOCK 1, GARVER PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89°18'03" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 40.27 FEET; THENCE SOUTH 00°41'40" WEST, 135.41 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 27.00 FEET, WHOSE



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ARC LENGTH IS 21.53 FEET AND WHOSE CHORD BEARS SOUTH 22°09'10" EAST, 20.97 FEET; THENCE SOUTH 45°00'00" EAST, 44.72 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 27.00 FEET, WHOSE ARC LENGTH IS 20.92 FEET AND WHOSE CHORD BEARS SOUTH 67°11'41" EAST, 20.40 FEET; THENCE SOUTH 89°23'22" EAST, 56.88 FEET TO THE EAST LINE OF SAID LOT 8; THENCE SOUTH 00°30'14" WEST ALONG SAID EAST LINE, 40.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 89°38'58" WEST ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 158.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°11'09" EAST ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 9.27 FEET; THENCE NORTH 89°48'02" WEST, 75.15 FEET TO THE EAST LINE OF SAID LOT 12; THENCE SOUTH 00°28'40" WEST ALONG SAID EAST LINE, 5.60 FEET; THENCE NORTH 89°48'00" WEST, 72.80 FEET TO THE WEST LINE OF SAID LOT 12; THENCE NORTH 00°26'40" EAST ALONG THE WEST LINE OF SAID LOT 12 AND THE WEST LINE OF SAID LOT 1, A DISTANCE OF 170.36 FEET TO THE SOUTHEAST CORNER OF LOT 10, HORTONDALE, AN OFFICIAL PLAT; THENCE NORTH 00°24'47" EAST ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 63.34 FEET TO THE NORTH LINE OF SAID SOUTH 174 FEET OF LOT 1; THENCE SOUTH 89°17'58" EAST ALONG SAID NORTH LINE, 151.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.15 ACRES (50,299 SQUARE FEET).

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 amendment 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 proposal, shall be held at 5:00 p.m. on April 1, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
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 Mandelbaum

FORM APPROVED:

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

(ZONG-2023-000076) (COMP-2024-000001)

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

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk