



Roll Call Number

17-1921

Agenda Item Number

43B

Date November 6, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM GNY INVESTMENTS, LLC TO REZONE PROPERTY AT 1517 23<sup>RD</sup> STREET

WHEREAS, on October 23, 2017, by Roll Call No. 17-1825, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 5, 2017, its members voted 11-0 in support of a motion to recommend DENIAL of a request from GNY Investments, LLC (owner), represented by Jenn Ho Go (officer), to rezone property at 1517 23<sup>rd</sup> Street ("Property") from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District, to allow the Property to be used for a four-unit multi-family dwelling; and

WHEREAS, on October 23, 2017, by Roll Call No. 17-1825, it was duly resolved by the City Council that the application of GNY Investments, LLC to rezone the Property, legally described as follows, be set down for hearing on November 6, 2017 at 5:00 p.m. in the Council Chamber at the Municipal Service Center:

Lots 12 and 13 in WILLIAMSON PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; 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 proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, 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 statements of interested persons and arguments of counsel, any and all comments for and against the proposed rezoning of the Property to "R-3" Multiple-Family Residential District, to allow the Property to be used for a four-unit multi-family dwelling, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Gray to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:

- a. The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested rezoning of the Property to "R-3" Multiple-Family Residential District, to allow the Property to be used for a four-unit multi-family dwelling.
b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential, which is not in conformance with the proposed Medium Density Residential use of the Property as stated above.
c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

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Alternative B

MOVED by \_\_\_\_\_ to continue the public hearing until November 20, 2017, at 5:00 p.m. in the Council Chambers in the Municipal Service Center, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the rezoning subject to conditions acceptable to the City and the owner.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

(ZON2017-00141)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-4.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

Diane Rauh City Clerk