



Roll Call Number

20-0680

Agenda Item Number

47

Date April 20, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM LIVING WATERS FELLOWSHIP (OWNER) TO REZONE PROPERTY LOCATED AT 3161 SOUTHEAST 22ND STREET

WHEREAS, on March 23, 2020, by Roll Call No. 20-0521, the City Council received a communication from the City Plan and Zoning Commission that advised that at a public hearing held on March 5, 2020, the City Plan and Zoning Commission voted 11-0 in support of a motion to recommend **APPROVAL** of a request by Living Waters Fellowship (owner), represented by Josh Daggett (officer), to rezone the property located at 3161 Southeast 22nd Street ("Property"), from "P2" Public, Civic and Institutional District to "RX1" Mixed Use District, to allow for the conversion of the premises to a day care use; and

WHEREAS, on March ~~23~~, 2020, by Roll Call No. 20-0521, it was duly resolved by the City Council that request to rezone the Property be set down for hearing on April 20, 2020 at 5:00 P.M., in the Council Chamber at City Hall; 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 amendment to the Zoning Ordinance and comprehensive plan; and

WHEREAS, on March 23, 2020, by Roll Call No. 20-0585, it was duly resolved by the City Council that the time and place for the hearing on said proposed amendment to Zoning Ordinance be continued to April 20, 2020, at 5: 00 p.m., to be held in the Second Floor Board Room in the Richard A. Clark Municipal Services Center at 1551 East Martin Luther King Jr. Parkway; and

WHEREAS, in accordance with said notice and continuance, those interested in said proposed comprehensive plan amendment and rezoning and, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property which is legally described as follows:

THE SOUTH 125 FEET OF THE WEST 16 RODS (264 FEET) OF THE SOUTH 40 RODS (660 FEET) OF THE SW ¼ OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., EXCEPT THE WEST 30 FEET THEREOF, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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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 rezoning of the Property from "P2" Public, Civic and Institutional District to "RX1" Mixed Use District, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "RX1" Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse, Assistant City Attorney

(ZON2020-00024)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay Cmelik, 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.

J. M. Franklin Cownie, Mayor

P. Kay Cmelik, City Clerk