

★ Roll Call Number

Agenda Item Number

20-2062

40

Date December 7, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM LAVERNE AND MAXINE ANDERSON TO REZONE PROPERTY LOCATED AT 1100 EAST MARION STREET

WHEREAS, on November 23, 2020, by Roll Call No. 20-1865, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 5, 2020, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Laverne and Maxine Anderson (owners) to rezone the real property locally known as 1100 East Marion Street ("Property") from N3a Neighborhood District to Limited NX2 Neighborhood Mix District, to allow the existing residential dwelling to continue to be used for a group living use, including requiring conditional use approval from the Zoning Board of Adjustment if applicable, subject to the following condition:

1. Any group living use of the Property shall be limited to the Freedom House group living use, in form as described in the rezoning application; and

WHEREAS, on November 23, 2020, by Roll Call No. 20-1865, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on December 7, 2020 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1100 East Marion Street, legally described as:

LOT 39, ROSE HILL MANOR PLAT 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from N3a Neighborhood District to Limited NX2 Neighborhood Mix District, to allow the existing residential dwelling to continue to be used for a group living use, including requiring conditional use approval from the Zoning Board of Adjustment if applicable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

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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 to the PlanDSM future land use designation or rezoning of the Property to Limited NX2 Neighborhood Mix District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited NX2 Neighborhood Mix 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:

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

(ZON2020-00128)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
Mayor

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.

P. Kay Cmelik

City Clerk