



Roll Call Number

21-0310

Agenda Item Number

44

Date February 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM THE JC AM GROUP, LLC (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1503 5TH AVENUE

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from JC AM Group, LLC (Owner), represented by John Cheng (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1503 5th Avenue (“Property”) from Low Density Residential to Low-Medium Density Residential to allow rezoning to ‘N5-2’ Neighborhood District to allow the property to be converted to a Two-Household use (duplex) and to rezone the Property from ‘N5’ Neighborhood District to ‘N5-2’ Neighborhood District for the above-stated purpose subject to the following conditions:

1. Vehicular access to on-site parking shall be provided from the alley. A driveway to the street is prohibited; and
2. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning Administrator; and

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on February 22, 2021 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 PlanDSM amendment and 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 1503 5th Avenue:

LOT 14 AND THE SOUTH ½ OF LOT 15 IN BATES ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

to ‘N5-2’ Neighborhood District.



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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 amendment to the PlanDSM future land use designation and rezoning of the Property to 'N5-2' Neighborhood District subject to the conditions stated above, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1503 5th Avenue to Low-Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'N5-2' Neighborhood 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 Gray TO ADOPT.

FORM APPROVED: Judy/K. Parks-Kruse (21-2021-4.02) Assistant City Attorney (ZON2020-00164).

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

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