



Roll Call Number

21-0316

Agenda Item Number

46

Date February 22, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM JOPPA, LLC (OWNER)
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE
PROPERTY LOCATED AT 1010 13TH STREET**

WHEREAS, on February 8, 2021, by Roll Call No. 21-0193, 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 14-0 in support of a motion to recommend **APPROVAL** of a request from JOPPA, LLC (Owner), represented by Curtis Carlson (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1010 13th Street (“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; and

WHEREAS, on February 8, 2021, by Roll Call No. 21-0193, 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 1010 13th Street:

ALL NORTH OF A LINE EXTENDING FROM A POINT 78 FEET SOUTH OF THE
NORTHEAST CORNER OF LOT 1 TO A POINT 82.78 FEET SOUTH OF THE
NORTHWEST CORNER OF LOT 4, ALL IN LOTS 1, 2, 3 AND 4 OF BLOCK F OF
DAY’S ADDITION TO FORT DES MOINES, POLK COUNTY, IOWA

to ‘N5-2’ Neighborhood District.

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 amendment to the PlanDSM future land use designation and rezoning of the Property to 'N5-2' Neighborhood District, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1010 13th Street 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 Mandelbaum TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
 Judy K. Parks-Kruse
 Assistant City Attorney

(21-2021-4.01)
 (ZON2021-00005).

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

MOTION CARRIED

APPROVED

J. M. Franklin Cowie
 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