



Roll Call Number

21-1041

Agenda Item Number

64

Date June 28, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM LEGACY PARK, LLC TO REZONE PROPERTY LOCATED AT 1315-1325 9TH STREET AND 1322-1332 8TH STREET

WHEREAS, on June 14, 2021, by Roll Call No. 21-0861, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Legacy Park, LLC (owner), represented by Russ Frazier (officer), to rezone the real property locally known as 1315-1325 9th Street and 1322-1332 8th Street (collectively “Property”) from N5 Neighborhood District to N5-2 Neighborhood District, to allow use of the Property for two-household residential structures including rebuilding following destruction due to fire; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0861, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on June 28, 2021 at 5:00 P.M., in the Council Chambers; 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 1315-1325 9th Street and 1322-1332 8th Street, legally described as:

LOTS 15, 16, 17, 29, 30, 31, 32 AND THE SOUTH 25 FEET OF LOT 18 NORTH PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from N5 Neighborhood District to N5-2 Neighborhood District, to allow use of the Property for two-household residential structures including rebuilding following destruction due to fire.

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 to N5-2 Neighborhood District are hereby overruled, and the hearing is closed.
2. 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.



Roll Call Number

21-1041

Agenda Item Number

64

Date June 28, 2021

MOVED BY Gray TO ADOPT.

FORM APPROVED:

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

(ZON2021-00062)

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.

MOTION CARRIED APPROVED
T.M. Frankin Cownie
Mayor

P. Kay Cmelik
City Clerk