



Roll Call Number

21-1409

Agenda Item Number

17

Date September 13, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM DOUGLAS AND SARAH WELLS TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 520 AND 530 42ND STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 2, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Douglas and Sarah Wells (owners) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 520 and 530 42nd Street (“Property”) from Low-Medium Density Residential to Neighborhood Mixed Use to allow rezoning to RX1 Mixed Use District in order for the existing legal nonconforming Professional Office uses on the Property to conform with the City’s Zoning Ordinance; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 2, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Douglas and Sarah Wells (owners) to rezone the Property from NX1 Neighborhood Mix District to RX1 Mixed Use District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

520 42nd Street [Parcels 09008230 and 09008205]

The North 57 feet (except the West 53 feet thereof) of lot One (1); The South 13 feet of the North 70 of the East 143 feet of Lot 1; And beginning at the Southwest corner of Lot Twelve (12), thence North 83 feet, thence East 37 12 feet, thence South 36 feet, thence West 3 feet, thence South 47 feet, thence West 34 ½ feet to beginning, all in the Official Plat of the South ½ of the Southeast ¼ of the Southeast ¼ of Section 1, Township 78, North, Range 25, West of the 5th P.M., now included in and forming a part of the City of Des Moines, Iowa.

AND

530 42nd Street [Parcel 09008231]

The South 83 feet of Lot 12 of Official Plat of South ½ of Southeast Quarter of Southeast Quarter of Section 1, Township 78, Range 25, West of the 5th P.M., now in and forming a part of the City of Des Moines, Iowa, (except beginning at the Southwest Corner of Said Lot 12, thence North 83 feet, thence East 37 ½, thence South 36 feet, thence West 3 feet, thence South 47 feet, thence West 34 ½ feet to beginning).

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 4, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



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MOVED BY Boesen TO ADOPT.

FORM APPROVED:

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

(ZON2021-000008; ZON2021-000009)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD				✓
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Frank
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