



**Roll Call Number**

21-1513

**Agenda Item Number**

48

**Date** October 4, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM DOUGLAS AND SARAH WELLS TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 520 AND 530 42<sup>ND</sup> STREET**

**WHEREAS**, on September 13, 2021, by Roll Call No. 21-1409, the City Council received a communication from the City Plan and Zoning Commission advising 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 42<sup>nd</sup> 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**, by said communication, the City Plan and Zoning Commission 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**, on September 13, 2021, by Roll Call No. 21-1409, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on October 4, 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 amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 520 and 530 42<sup>nd</sup> Street, legally described as:

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 ½ 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)



**Roll Call Number**

21-1513

**Agenda Item Number**

48

**Date** October 4, 2021

from NX1 Neighborhood Mix District to RX1 Mixed Use District for the above-stated purpose.

**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 amendment to PlanDSM and proposed rezoning of the Property to RX1 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low-Medium Density Residential to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from NX1 Neighborhood Mix District to RX1 Mixed Use 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:

/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	✓			
<b>TOTAL</b>	<b>7</b>			

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