



Roll Call Number

21-1596

Agenda Item Number

49

Date October 18, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM ISRAEL CHAVEZ TO REZONE PROPERTY LOCATED AT 1209 EAST 16TH STREET

WHEREAS, on October 4, 2021, by Roll Call No. 21-1475, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Israel Chavez (Owner), to rezone real property locally known as 1209 East 16th Street (“Property”) from ‘MX-1’ Mixed Use District to ‘N3a’ Neighborhood District to allow construction of a one-household dwelling; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1475, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on October 18, 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 1209 East 16th Street, legally described as:

LOT 65 OF WITMERS, AN OFFICIAL PLAT, NOW INCLUDED AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from ‘MX-1’ Mixed Use District to ‘N3a’ Neighborhood District, for the purpose set forth above.

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 ‘N3a’ Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to ‘N3a’ 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

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forth herein.

MOVED BY Westergaard TO APPROVE.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000015)

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
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk