



Roll Call Number

22-1573

Agenda Item Number

63

Date October 3, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM ZACHARY FINCH AND CHERYL FINCH (OWNERS) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 3125 KINGMAN BOULEVARD: TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5-4” NEIGHBORHOOD DISTRICT TO “NX2” NEIGHBORHOOD MIX DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A MULTIPLE-HOUSEHOLD USE WITH UP TO 8 DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Zachary Finch and Cheryl Finch (Owners), for the proposed rezoning from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District be found not in conformance with the current PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **DENIAL** of a request from Zachary Finch and Cheryl Finch to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **DENIAL** of a request from Zachary Finch and Cheryl Finch, to rezone the Property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, to allow the use of the property for a multiple-household use with up to 8 dwelling units; and

WHEREAS, the Property is legally described as follows:

The South 197.5 feet of the East 1/2 of Lot 9 and the South 197.5 feet of Lot 10 in J.B. Locke’s Subdivision, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on September 12, 2022, by Roll Call No. 22-1415, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 3, 2022, at 5:00 p.m., at the City 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 proposals; and



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WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

(CHOOSE ONE OPTION)

OPTION A:

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 and rezoning 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 from Low Density Residential to Medium Density Residential is hereby denied.
3. The proposed rezoning of the Property, as legally described above, from "N5-4" Neighborhood District to Limited "NX2" Neighborhood Mix District is hereby denied.

OPTION B: (REQUIRES SIX VOTES BECAUSE P&Z RECOMMENDED DENIAL)

~~Continue the public hearing until October 24, 2022, at 5:00 PM in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the proposed PlanDSM Comprehensive Future Land Use Plan amendment from Low Density Residential to Medium Density Residential and **APPROVE** the proposed rezoning from "N5-4" Neighborhood District to "NX2" Neighborhood Mix District, subject to conditions acceptable to the City and the owner(s).~~

MOVED BY Mandelbaum TO ADOPT OPTION A. SECOND BY Sheumaker.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
 Gary D. Goudelock Jr.
 Assistant City Attorney

(ZONG-2022-000072; ZONG-2022-000074)



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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner City Clerk