



Roll Call Number

22-1839

Agenda Item Number

55

Date November 21, 2022

HEARING ON REQUEST FROM SHELDON RONEY (OWNER) FOR PROPERTY LOCATED AT 1626 EAST PARK AVENUE TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL USE TO COMMUNITY MIXED USE AND TO REZONE THE PROPERTY FROM "N3A" NEIGHBORHOOD DISTRICT TO "MX3" MIXED USE DISTRICT TO ALLOW THE USE OF AN ACCESSORY STRUCTURE FOR A MOTOR VEHICLE REPAIR BUSINESS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2022, its members voted 12-0 in support of a motion to recommend DENIAL of a request from Sheldon Roney (Owner), to determine the requested rezoning is not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property at 1626 East Park Avenue from Low Density Residential Use to Community Mixed Use; and to rezone the Property from "N3a" Neighborhood District to "MX3" Mixed Use District to allow the use of an accessory structure for a motor vehicle repair business:

WHEREAS, the Property is legally described as follows:

Lot 3 in SPOSETO HEIGHTS NO. 4 an Official Plat, except that portion of Lot 3 conveyed in Book 5122, Page 318 to the City of Des Moines, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on November 7, 2022, by Roll Call No. 22-1730, 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 November 21, 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

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:

- 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.



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Alternative A

MOVED by Gatto and Second by Mandelbaum to DENY the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation and to DENY the rezoning.

Alternative B

MOVED by and Second by to continue the public hearing until December 12, 2022, at 5:00 p.m. 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 Use to Community Mixed Use and APPROVE the proposed rezoning from "N3a" Neighborhood District to "MX3" Mixed Use District to allow the use of an accessory structure for a motor vehicle repair business, subject to conditions acceptable to the City and the owner(s).

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000084 & 2022-000058)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

Signature of Mayor T. M. Jacobson

Signature of Laura Baumgartner, City Clerk