



**Roll Call Number**

23-0482

**Agenda Item Number**

14

**Date** April 10, 2023

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM NOEL FERNANDEZ (OWNER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 2021 CLARK STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “N5-2” NEIGHBORHOOD DISTRICT TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR A DUPLEX USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), for the proposed rezoning from “N5” Neighborhood District to Limited “N5-2” Neighborhood District be found not in conformance with the 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 March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing March 23, 2023, its members voted 12-0, in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), to rezone the Property from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the following conditions:

1. The site shall be brought into conformance with all applicable site regulations of Chapter 135 of the Municipal Code.; and
2. All off-street parking areas shall be paved.; and

**WHEREAS**, the Property is legally described as follows:

**LOT NINE (9) AND THE WEST HALF OF LOT TEN (10) IN CASES ADDITION TO NORTH DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA**

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



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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 amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on April 24, 2023, 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.

MOVED BY Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000014; COMP-2023-000012)

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

APPROVED

J. M. Frankhu 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