



Roll Call Number

23-0612

Agenda Item Number

49

Date April 24, 2023

RESOLUTION HOLDING 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), for 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 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 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

WHEREAS, on April 10, 2023, by Roll Call No. 23-0482, 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 April 24, 2023 at 5:00 p.m., at the City Council Chambers; and



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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.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Low-Medium Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "N5-2" Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

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

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