



Roll Call Number

23-0860

Agenda Item Number

53

Date June 12, 2023

HEARING ON REQUEST FROM CAMBODIAN BUDDHIST SOCIETY INC (OWNER), REPRESENTED BY NOY NOEUY (OFFICER), TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 1301 19TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 4, 2023, its members voted 8-2-1 in support of a motion to recommend **DENIAL** of the requested rezoning for Property located in the vicinity of 1301 19th Street from “NX1” Neighborhood Mix District to “RX1” Mixed-Use District, to allow the reuse of an existing building as a grocery store, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

LOT 180 IN KEOSAUQUA WAY PLAT 5, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

LOTS 14, 15, 16, 17 IN BLOCK 1 IN J. H. WHEELER’S AVENUE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, on May 22, 2023, by Roll Call No. 23-0722, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on June 12, 2023, 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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 rezoning are hereby overruled, and the hearing is closed.

Alternative A

MOVED by Voss and Second by Gatto to **DENY** the proposed rezoning.



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Alternative B

MOVED by _____ and Second by _____ to continue the public hearing until June 26, 2023, 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 requested rezoning for Property from "NX1" Neighborhood Mix District to "RX1" Mixed-Use District, to allow the reuse of an existing building as a grocery store, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

(NOTE - APPROVAL REQUIRES SIX VOTES DUE TO OPPOSITION OF GREATER THAN 15% OF RELEVANT PROPERTY OWNERS AND DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000021)

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

MOTION CARRIED

APPROVED

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