



Roll Call Number

23-1169

Agenda Item Number

12

Date September 21, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM SOUTHEAST POLK FAMILY CHURCH (OWNER) REPRESENTED BY DAVID L. HARPER (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 4101 EAST 42ND STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT TO ALLOW THE USE OF THE EASTERN PORTION OF THE PROPERTY FOR A NEW ANIMAL SERVICE – BOARDING USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), for the proposed rezoning from “P2” Public, Civic, and Institutional to Limited “MX3” Mixed Use 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 August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), to rezone the Property from “P2” Public, Civic, and Institutional to Limited “MX3” Mixed Use District, to allow the use of the eastern portion of the property for a new animal service-boarding use, subject to the following conditions:

1. Any use as permitted and limited in “P2” Public, Civic, and Institutional District, and/or
2. An Animal Service: Boarding and/or Grooming use, occurring only between the hours of 7:00 AM and 6:00 PM; and

WHEREAS, the Property is legally described as follows:

LOTS 49 AND 64 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Roll Call Number

23-1169

Agenda Item Number

12

Date September 21, 2023

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

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 September 11, 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 proposals 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.



Roll Call Number

23-1169

Agenda Item Number

12

Date September 21, 2023

MOVED BY Gatto TO ADOPT.
SECOND BY Voss

FORM APPROVED:

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

(ZONG-2023-000038; COMP-2023-000022)

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

MOTION CARRIED APPROVED
J.M. Frankhu Cowie 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