



**Roll Call Number**

23-1320

**Agenda Item Number**

30

**Date** October 2, 2023

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM OLEN HOMME (OWNER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 972 26<sup>TH</sup> STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY 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 TWO-HOUSEHOLD (DUPLEX) RESIDENTIAL USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (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 September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (owner), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (owner), to rezone the Property from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a two-household (duplex) residential use, subject to the following condition:

1. Any use of the property for a two-household (duplex) residential use shall be subject to the site and the building being brought into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.; and

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

**LOT 238 IN UNIVERSITY LAND COMPANY'S FIRST ADDITION TO THE CITY OF 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:

1. That the attached communication from the Plan and Zoning Commission is hereby received

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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 October 23, 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 *Letto* TO ADOPT  
 SECOND BY *Boesen*

FORM APPROVED:

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

(COMP-2023-000026) (ZONG-2023-000045)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			
MOTION CARRIED	APPROVED			
<i>J. M. Franklin Cownie</i> 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