

Date October 2, 2023

**RESOLUTION SETTING HEARING ON REQUEST FROM GERARDO PEREZ
(OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE
DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 415 EAST
EUCLID AVENUE**

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 finding the requested rezoning for Property located at 415 East Euclid Avenue is not in conformance with the existing PlanDSM future land use 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 Gerardo Perez (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 415 East Euclid Avenue from Low Density Residential to Neighborhood Mixed Use; to rezone the Property from "N5" Neighborhood District to "RX1" to bring the existing retail use into conformance with zoning requirement and to allow use of the parking lot for a food truck (mobile vender), and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

**LOT 1 IN BLOCK 11 IN PLAT ONE OF AUBURN HEIGHTS, 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 and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on October 23, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
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.

★ Roll Call Number

23-1323

Agenda Item Number

33

Date October 2, 2023

MOVED BY Gatto TO ADOPT.

SECOND BY Boesen

FORM APPROVED:

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

(ZONG-2023-000044)(COMP-2023-000025)

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

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