



Roll Call Number

231429

Agenda Item Number

31

Date October 23, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM 621-625 OVID, LLC (OWNER), REPRESENTED BY CLARISSA CORTEZ (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 621 OVID AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” RESIDENTIAL DISTRICT TO LIMITED “NX2” MIXED USE DISTRICT, TO ALLOW A 3RD DWELLING UNIT WITHIN EACH OF TWO (2) EXISTING DUPLEX STRUCTURE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), for the proposed rezoning from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix 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 October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to High Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow a 3rd dwelling unit within each of two (2) existing duplex structures, subject to the condition that no building shall contain more than three (3) dwelling units.

WHEREAS, the Property is legally described as follows:

THE EAST 37.5 FEET OF LOT 21, BLOCK 4, OAK PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND ALL DRIVEWAY EASEMENT RIGHTS OVER ADJOINING PROPERTY AS SET FORTH IN EASEMENT RECORDED IN BOOK 4433 PAGE 257 OF THE POLK COUNTY, IOWA RECORDS;

AND

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THE EAST 1/2 OF LOT 20 AND THE WEST 12 1/2 FEET OF LOT 21 IN BLOCK 4 IN OAK PARK, AN OFFICIAL PLAT, 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 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 November 6, 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 Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

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

(COMP-2023-000034) (ZONG-2023-000055)

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

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk