

★ **Roll Call Number**
23-1567

Agenda Item Number
43

Date November 6, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1408 31ST STREET

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 Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), for property located at 1408 31st Street, for the proposed rezoning the northern 50 feet of the property from “MX1” Mixed Use District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Neighborhood Mixed Use within a Neighborhood Node; 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 Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), for the amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of the property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node; 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 Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), to rezone the northern 50 feet of the Property from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings; and

WHEREAS, the Property is legally described as follows:

LOT 9 IN BLOCK 7 IN MERRITT AND FISCHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.; and

WHEREAS, on October 23, 2023, by Roll Call No. 23-1428, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on November 6, 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 proposals; and

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WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the northern 50 feet of the Property, as legally described above, from "MX1" Mixed Use District to "RX1" Mixed Use District, to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Boesen TO ADOPT.

SECOND BY Gatto.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(COMP-2023-000033) (ZONG-2023-000056)

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

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