



Roll Call Number

23-1641

Agenda Item Number

42

Date November 20, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM CITY OF DES MOINES MUNICIPAL HOUSING AGENCY (OWNER), REPRESENTED BY DWAYNE MYERS (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE TWO PARCELS LOCATED AT 3312 8TH STREET AND 3400 8TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines Municipal Housing Agency (Owner), represented by Dwayne Myers (Officer), for the proposed rezoning from “N5” Neighborhood District and “NX1” 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 19, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines Municipal Housing Agency (Owner), represented by Dwayne Myers (Officer), for 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 19, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines Municipal Housing Agency (Owner), represented by Dwayne Myers (Officer), to rezone the Property from “N5” Neighborhood District and “NX1” Neighborhood Mix District, to bring the existing multi-household dwelling into conformance with zoning requirements and to allow construction of a new accessory storage and maintenance building; and

WHEREAS, the Property is legally described as follows:

3400 8th Street:

A RECTANGULAR SHAPED TRACT OF LAND THAT IS LOCATED IN LOTS 1 AND 2, BLOCK 18, OAK PARK, DES MOINES, POLK COUNTY, IOWA, AND LOT 1, MANN’S FOURTH ADDITION TO LAKE PARK, DES MOINES, POLK COUNTY, IOWA , AND ALL THAT PORTION OF THE 50.0 FEET WIDE DES MOINES BELT LINE RAILROAD LYING WEST OF AND ADJACENT TO LOT 1, IN SAID MANN’S FOURTH ADDITION TO LAKE PARK, AND A PORTION OF LOTS 1 AND 2, BLOCK 1, WHITE’S RIVERVIEW ADDITION, DES MOINES, POLK COUNTY, IOWA, LYING WEST OF AND ADJACENT TO SAID DES MOINES BELT LINE RAILROAD, ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS: BEGINNING AT THE N.E. CORNER OF LOT 1, BLOCK 18, OAK PARK, DES MOINES, POLK COUNTY, IOWA, THENCE S 0DEG 00’ W, ALONG THE EAST LINE OF SAID LOT 1 AND ALSO ALONG THE EAST LINE OF LOT 1, MANN’S FOURTH ADDITION TO LAKE PARK,

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DES MOINES, POLK COUNTY, IOWA, 328.0 FEET TO THE S.E. CORNER OF LOT 1, IN SAID MANN'S FOURTH ADDITION TO LAKE PARK, THENCE N 89DEG 58 ½' W, ALONG THE SOUTH LINE OF LOT 1, IN SAID MANN'S FOURTH ADDITION TO LAKE PARK, AND ALONG THE SOUTH LINE OF LOT 1, MANN'S FOURTH ADDITION TO LAKE PARK, EXTENDED TO THE WEST, 200.0 FEET, THENCE N 0DEG 00' E, ALONG THE WEST LINE OF LOT 2, BLOCK 18, OAK PARK, AS IT IS EXTENDED TO TH SOUTH AND ALSO ALONG THE WEST LINE OF LOT 2, BLOCK 18, IN SAID OAK PARK, 328.0 FEET TO THE N.W. CORNER OF LOT 2, BLOCK 18, IN SAID OAK PARK, THENCE S 89DEG 58 ½' E, ALONG THE NORTH LINES OF LOTS 2 AND 1, BLOCK 18, IN OAK PARK, 200.0 FEET, TO THE POINT OF BEGINNING, EXCEPT THE NORTH 0.20 FEET THEREOF AND EXCEPT THE SOUTH 0.61 FEET OF THE EAST 22.10 FEET THEREOF. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1.505 ACRES, MORE OR LESS.

3312 8TH Street:

LOTS TWO (2) AND THREE (3) AND THE 50 FEET IMMEDIATELY WEST OF AND ADJACENT TO SAID LOTS 2 AND 3 IN MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT, (ALSO DESCRIBED AS L.M. MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.33 ACRES (14,175 SQUARE FEET).; and

WHEREAS, on November 6, 2023, by Roll Call No. 23-1540, 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 20, 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

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



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hearing is closed.

- 2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to High Density Residential is hereby approved.
- 3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District and "NX1" Neighborhood Mix District, to bring the existing multi-household dwelling into conformance with zoning requirements and to allow construction of a new accessory storage and maintenance building, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Boesen.

FORM APPROVED:

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

(ZONG-2023-000058)(COMP-2023-000036)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, Coleman, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

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 Cowrie Mayor

Laura Baumgartner City Clerk



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An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 3312 8th Street and 3400 8th Street from "N5" Neighborhood District and "NX1" Neighborhood Mix District to "NX2" Neighborhood Mix District classification",

presented.

Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Boesen.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000058)(COMP-2023-000036)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
<u>Coleman</u>	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

J. M. Frankin Cownie Mayor

Laura Baumgartner

City Clerk