

★ Roll Call Number

23-1647

Agenda Item Number

44

Date November 20, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 621-625 OVID, LLC (OWNER), REPRESENTED BY CLARISSA CORTEZ (OFFICER), FOR THE FOLLOWING REGARDING TWO (2) PARCELS 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 3<sup>RD</sup> 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 two (2) parcels located in in the vicinity of 621 Ovid Avenue, 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 3<sup>rd</sup> 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; and

**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 121/2 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.

WHEREAS, on October 23, 2023, by Roll Call No. 23-1429, 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, on November 6, 2023, by Roll Call No. 23-1570, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be opened and continued for hearing on November 20, 2023, at 5:00 p.m., at the City Council Chambers; 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 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 to Limited "NX2" Neighborhood Mix District, to allow a 3rd dwelling unit within each of two (2) existing duplex structures, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Gatto

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

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



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

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