

Date .....January 8, 2024.....

**RESOLUTION SETTING PUBLIC HEARING ON REQUEST FROM SUNDRY CHURCH (OWNER), REPRESENTED BY ANTHONY J HODGES (OFFICER) FOR PROPERTY LOCATED AT 4112 6<sup>TH</sup> AVENUE, TO REZONE THE PROPERTY FROM LIMITED “N3B” NEIGHBORHOOD DISTRICT TO “N3B” NEIGHBORHOOD DISTRICT TO REMOVE THE ZONING CONDITION THAT REQUIRES AT LEAST ONE (1) OFF-STREET MOTOR VEHICLE PARKING SPACE LOCATED OUTSIDE OF THE FRONT YARD AREA ON ANY PARCEL THAT CONTAINS A ONE-HOUSEHOLD RESIDENTIAL USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion finding the requested rezoning for Property located at 4112 6<sup>th</sup> Avenue is 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 December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Sundry Church (owner), represented by Anthony J Hodges (officer), to rezone the Property located at 4112 6<sup>th</sup> Avenue from Limited “N3b” Neighborhood District to “N3b” Neighborhood District to remove the zoning condition that requires at least one (1) off-street motor vehicle parking space located outside of the front yard area on any parcel that contains a one-household residential use, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

**WHEREAS**, the Property is legally described as follows:

**ALL OF LOT 105 AND THE NORTH 3 FEET OF LOT 106 OF COLLEGE PARK, AN O.P. AND THE EAST HALF OF THE VACATED ALLEY LYING WEST AND ADJACENT TO THE PARTS OF SAID LOT 105 AND 106, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.;** and

**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 January 22, 2024 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



**Roll Call Number**

24-0046

**Agenda Item Number**

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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

(ZONG-2023-000070)

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

MOTION CARRIED

APPROVED

Connie Boesen

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