



**Roll Call Number**

24-0139

**Agenda Item Number**

47

**Date** January 22, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING  
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 to recommend **APPROVAL** of a 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, and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

**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**

**WHEREAS**, on January 8, 2024, by Roll Call No. 24-0046, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on January 22, 2024, at 5:00 P.M., in the 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 proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, 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 rezoning of the Property are hereby



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overruled, and the hearing is closed.

- 2. The proposed rezoning of the Property, as legally described above, to “N3b” Neighborhood District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard 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			

**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

Connie Boesen

Mayor

Laura Baumgartner

City Clerk