

★ **Roll Call Number**

24-1657

Agenda Item Number

41

Date December 9, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM MICHAEL RENOVATIONS, LC (OWNER), REPRESENTED BY MICHAEL GRUNDBERG (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 629 49TH STREET, 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 “N5-4” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2024, its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from Michael Renovations, LC (Owner), represented by Michael Grundberg (Officer), for the proposed rezoning from “N5-4” Neighborhood District to Limited “NX2” Neighborhood Mix District not be found 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 November 21, 2024, its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from Michael Renovations, LC (Owner), represented by Michael Grundberg (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 November 21, 2024, its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from Michael Renovations, LC (Owner), represented by Michael Grundberg (Officer), to rezone the Property from “N5-4” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the reconstruction of an existing covered parking structure and retaining wall, subject to the following conditions:

1. The subject property, measuring 0.806 acres, shall contain no more than 21 dwelling units.
2. No building shall exceed 2.5 stories in height.; and

WHEREAS, the Property is legally described as follows:

LOTS 131, 132, 133 AND 134 IN POLK PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, on November 18, 2024, by Roll Call No. 24-1567, 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 December 9, 2024, at 5:00 p.m., at the City Council Chambers; and

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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 hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from m Low Density Residential to High Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5-4" Neighborhood District to Limited "NX2" Neighborhood Mix District to allow the reconstruction of an existing covered parking structure and retaining wall, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS)

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MOVED BY Mandelbaum TO ADOPT. SECOND BY Gatto

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000040) (COMP-2024-000025)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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