



**Roll Call Number**

24-11663

**Agenda Item Number**

43

**Date** December 9, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JC AM GROUP, LLC (OWNER), REPRESENTED BY JOHN CHENG (OFFICER), FOR PROPERTY LOCATED AT 1419 PENNSYLVANIA AVENUE, TO REZONE THE PROPERTY FROM “N3C” NEIGHBORHOOD DISTRICT TO LIMITED “N3C-2” NEIGHBORHOOD DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR A DUPLEX USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from JC AM Group, LLC (Owner), represented by John Cheng (Officer), for property located at 1419 Pennsylvania Avenue, for the proposed rezoning from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District 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 October 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from JC AM Group, LLC (Owner), represented by John Cheng (Officer), for property located at 1419 Pennsylvania Avenue, to rezone the property from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the following conditions:

1. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning and Design Administrator.; and
2. Any driveway in the front yard shall taper to meet the width of the drive approach at the public sidewalk, and in no case shall measure more than 16 feet in width, at any point within the front yard.; and

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

**LOT 13 IN CAPITAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA.**

**WHEREAS**, on October 21, 2024, by Roll Call No. 24-1444, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on November 4, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on November 4, 2024, by Roll Call No. 24-1526, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on November 18, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on November 18, 2024, by Roll Call No. 24-1590, it was duly resolved by the City Council that the request for approval of the proposed rezoning be opened and continued for hearing on December 9, 2024, at 5:00 p.m., at the City Council Chambers; and

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WHEREAS, in accordance with said notice, those interested in said proposal, 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 rezoning of the Property, as legally described above, from "N3c" Neighborhood District to Limited "N3c-2" Neighborhood District, to allow reuse of the existing structure for a duplex use, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and 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

(ZONG-2024-000029)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk