



Roll Call Number

20-2065

Agenda Item Number

41

Date December 7, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM MORGAN MAURER TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2104 EAST 21<sup>ST</sup> STREET**

**WHEREAS**, on November 23, 2020, by Roll Call No. 20-1867, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 5, 2020, its members voted 10-4 in support of a motion to recommend **APPROVAL** of a request from Morgan Maurer (owner) to amend the PlanDSM: Creating Our Tomorrow future land use designation for the real property locally known as 2104 East 21<sup>st</sup> Street (“Property”) from Industrial to Low Density Residential, to allow rezoning to N3a Neighborhood District and extension of the existing Household Living residential use with addition of a new accessory detached garage, replacing a recently-demolished detached garage that sustained storm damage with a larger accessory structure; and

**WHEREAS**, on November 23, 2020, by Roll Call No. 20-1867, the City Council further received the City Plan and Zoning Commission’s recommendation advising that at a public hearing held on November 5, 2020, its members voted 10-4 in support of a motion to recommend **APPROVAL** of a request from Morgan Maurer to rezone the Property from I1 Industrial District to N3a Neighborhood District for the above-stated purpose; and

**WHEREAS**, on November 23, 2020, by Roll Call No. 20-1867, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on December 7, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2104 East 21<sup>st</sup> Street, legally described as:

LOT 129, DELAWARE PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

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from I1 Industrial District to N3a Neighborhood District to allow extension of the existing Household Living residential use with addition of a new accessory detached garage, replacing a recently-demolished detached garage that sustained storm damage with a larger accessory structure.

**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 to the PlanDSM future land use designation or rezoning of the Property to N3a Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 2104 East 21<sup>st</sup> Street to Low Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to N3a Neighborhood District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. Refer to City Manager's Office to provide an update on rezoning of properties.

FORM APPROVED:

/s/Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(21-2020-4.25)  
(ZON2020-00131)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie  
Mayor

**CERTIFICATE**

I, P. KAY CMELIK, 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.

P. Kay Cmelik  
City Clerk