

20-2108

22

Date December 21, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM ANTONIO DOMINGUEZ AND GABRIELLA HERRERA TO AMEND PLANDSM FUTURE LAND USE CLASSIFICATION AND TO REZONE 301 SOUTHEAST 28TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 3, 2020, its members voted 9-3 in support of a motion to recommend **DENIAL** of a request from Antonio Dominguez and Gabriella Herrera (owners) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use classification for real property locally known as 301 Southeast 28th Street (“Property”) from Industrial to Low Density Residential, and to rezone the Property from I1 Industrial District to N3c Neighborhood District, to allow the existing Household Living use to be extended with addition of a new accessory 2-story detached garage use; and

WHEREAS, the Property is legally described as follows:

THE NORTH 45 FEET OF LOT 8 AND THE NORTH 46 FEET OF LOTS 9 AND 10 IN LINCOLN PARK, TOGETHER WITH ALL THAT PART OF THE SOUTH 12 FEET OF THE VACATED 24 FEET OF EAST ELM STREET RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 8,9 AND 10 IN LINCOLN PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA a/k/a 301 SE 28th STREET, DES MOINES ,IOWA a/k/a PARCEL #050-02987-001-000

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 future land use classification and the proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on January 11, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

FORM APPROVED:

MOVED BY Boesen TO ADOPT.

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

(21-2020-4.26)
(ZON2020-00139)

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

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.

MOTION CARRIED APPROVED
T. M. Frank Mayor

P. Kay Cmelik City Clerk