



Roll Call Number

21-1037

Agenda Item Number

62

Date June 28, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM GREG LORANG AND ELISSA CIRIGNOTTA TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1235 43RD STREET

WHEREAS, on June 14, 2021, by Roll Call No. 21-0858, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Greg Lorang and Elissa Cirignotta (owners) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1235 43rd Street (“Property”) from Low Density Residential within a Community Node to Low-Medium Density Residential within a Community Node, to allow rezoning to ‘N5-2’ Neighborhood District to allow use of the property for an Accessory Household Unit dwelling subject to the condition that the site plan must come back to the Commission for review and approval; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Greg Lorang and Elissa Cirignotta (owners), to rezone the Property from ‘N5’ Neighborhood District to Limited ‘N5-2’ Neighborhood District for the above-stated purpose; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0858, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on June 28, 2021 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; 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 1235 43rd Street, legally described as:

LOT 67 IN ERNHURST, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY.

from ‘N5’ Neighborhood District to Limited ‘N5-2’ Neighborhood District.



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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 PlanDSM and proposed rezoning of the Property to 'N5-2' Neighborhood District 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 Low Density Residential in a Community Node to Low-Medium Density Residential in a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'N5-2' 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 Gray TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.15)
(ZON2021-00049)

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

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 7 APPROVED
J. M. Franklin Cownie
Mayor

P. Kay Cmelik
City Clerk