



Roll Call Number

21-1689

Agenda Item Number

48

Date November 1, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM GUSTAVO CARRILLO CARRILLO TO REZONE PROPERTY LOCATED IN THE VICINITY OF 1040 EAST COUNTY LINE ROAD

WHEREAS, on October 18, 2021, by Roll Call No. 21-1553, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Gustavo Carrillo Carrillo (owner) to rezone real property located in the vicinity of 1040 East County Line Road ("Property") from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling; and

WHEREAS, on October 18, 2021, by Roll Call No. 21-1553, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on November 1, 2021, at 5:00 p.m., in the City 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 rezoning; 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 1040 East County Line Road, legally described as:

Parcel L Book 9084, Page 853, the West 1/2 of Southeast 1/4 of Section 34, Township 78, North Range 24, an Official Plat, now included and forming a part of the City of Des Moines, Polk County, Iowa.

from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling; and

WHEREAS, in accordance with said notice, those interested in said 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.

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 rezoning of the Property to NX2 Neighborhood Mix District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to NX2 Neighborhood Mix 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.



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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000028)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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 Linda Westergaard Mayor MAYOR PRO TEM

P. Kay Cmelik City Clerk