



Roll Call Number

22-0043

Agenda Item Number

30

Date January 10, 2022

RESOLUTION SETTING HEARING ON APPEAL OF GLAD TIDINGS ASSEMBLY OF GOD CHURCH ON A DENIAL OF A TYPE 2 DESIGN ALTERNATIVE FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 2145 EAST ARMY POST ROAD.

WHEREAS, at a public hearing held on November 18, 2021, the City Plan and Zoning Commission considered a request from Glad Tidings Assembly of God Church (“Church”) (owner), represented by Bill Wenig (officer), for approval of the Site Plan “Glad Tidings Assembly of God Church” with a Type 2 Design Alternative fully or partially waiving the front yard and side yard surface parking restrictions along primary frontages set forth in Municipal Code Section 135-9.2.4(B) and 135-9.3.1(B) related to the proposed development as shown in the Site Plan submitted for the vacant property located at 2145 East Army Post Road; and

WHEREAS, pursuant to Section 135-2.10.3(A)(8) of the Planning and Design ordinance, Civic buildings within the “P2” District allow for surface parking and loading to occur within rear and interior side yards only along a non-primary façade; and

WHEREAS, in its Site Plan, the Church proposed to have all of the surface parking for the church building located in the front and side yards along the primary facades facing East Army Post Road and Indianola Road, generally in that area between the church building and East Army Post Road to the north and Indianola Avenue to the east, and to have its primary entrance for the church facing those parking areas such that it would be oriented facing a northeasterly direction toward the southwest corner of the intersection of East Army Post Road and Indianola Road; and

WHEREAS, in lieu of approving the Type 2 design alternative requested by the Church, the Plan and Zoning Commission voted 8-3 for **DENIAL** of the requested Type 2 Design Alternative to waive or modify said ordinance requirements to allow the surface parking in the front yard and street facing side yard along the primary frontages of the site; and

WHEREAS, the Church has timely appealed to the City Council pursuant to Municipal Code Sections 135-9.2.4(b) and 135-9.3.1(B), and is seeking further review of the Plan and Zoning Commission decision and approval of the above-described Type 2 design alternative to the Site Plan allowing surface parking in the front yard and street facing side yard along the primary frontages of the site as regulated under Municipal Code Section 135-2.10.3(A)(8).

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:



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1. The City Council shall consider the appeal by Glad Tidings Assembly of God Church at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5: 00 p.m. on January 24, 2022 at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

Judy K Parks-Kruse

Judy K. Parks-Kruse, Assistant City Attorney

(SITE-2021-000020)

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

MOTION CARRIED

APPROVED

J. M. Frankhu 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