



**Roll Call Number**

230994

**Agenda Item Number**

29

**Date** July 17, 2023

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM S&S HOMEBUILDERS, LLC (OWNER), REPRESENTED BY NICK STEPHENSON (OFFICER), FOR PROPERTY LOCATED AT 3605 EAST 56<sup>TH</sup> STREET, TO REZONE THE PROPERTY FROM “N1A” NEIGHBORHOOD DISTRICT TO “N2B-2” NEIGHBORHOOD DISTRICT**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from S&S Homebuilders, LLC (Owner) represented by Nick Stephenson (Officer), for property located at 3605 East 56<sup>th</sup> Street, to rezone the property from “N1a” Neighborhood District to “N2b-2” Neighborhood District, to subdivide and allow development of the property into three (3) lots with two household units per lot and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

**PARCEL “H” IN PART OF THE NW ¼ OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., AS SHOWN IN THE PLAT OF SURVEY FILED WITH THE POLK COUNTY RECORDER’S OFFICE ON NOVEMBER 2, 2011 IN BOOK 14036, PAGE 999 AND CONTAINING 10.00 ACRES, MORE OR LESS**

**AND**

**BEGINNING AT THE SW CORNER OF THE NORTH 40 ACRES OF THE NORTH ½ OF THE NW ¼ OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THENCE EAST 200 FEET; THENCE NORTH 213 FEET; THENCE WEST 200 FEET; THENCE SOUTH 213 FEET TO THE POINT OF BEGINNING.**

**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 rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on August 7, 2023, at which time the City Council will hear both those who oppose and those who favor the proposals.

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3. That the City Clerk is hereby authorized and directed to cause notice of said proposal 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.

MOVED BY Gatto TO ADOPT.  
SECOND BY Boesen.

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000028)

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

MOTION CARRIED APPROVED

T.M. Franklin Cownie  
Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner  
City Clerk