



Roll Call Number

23-1109

Agenda Item Number

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Date August 7, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM S&S HOMEBUILDERS, LLC (OWNER), REPRESENTED BY NICK STEPHENSON (OFFICER), FOR PROPERTY LOCATED AT 3605 EAST 56TH 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 56th 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, on July 17, 2023, by Roll Call No. 23-0994, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on August 7, 2023, 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 rezoning; 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 3605 East 56th Street, from “N1a” Neighborhood District to “N2b-2” Neighborhood District, and 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.

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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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "N2b-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 Westergaard TO ADOPT. SECOND BY Voss

FORM APPROVED:

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

(ZONG-2023-000028)

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

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk