

★ Roll Call Number

23-1195

Agenda Item Number

34

Date August 21, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM SUNDRY CHURCH (OWNER), REPRESENTED BY ANTHONY J HODGES (OFFICER), FOR PROPERTY LOCATED AT 4100 6<sup>TH</sup> AVENUE AND 4112 6<sup>TH</sup> AVENUE TO REZONE THE NORTHERN 50 FEET OF THE PROPERTY FROM “P2” PUBLIC, CIVIC AND INSTITUTIONAL DISTRICT AND “N3B” NEIGHBORHOOD DISTRICT TO LIMITED “N3B” NEIGHBORHOOD DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 20, 2023, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Sundry Church (Owner) represented by Anthony J Hodges (Officer), for property located at 4100 6<sup>th</sup> Avenue and 4112 6<sup>th</sup> Avenue, to rezone the northern 50 feet of the property from “P2” Public, Civic and Institutional and “N3b” Neighborhood District to Limited “N3b” Neighborhood District, determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, and to allow the property to be subdivided and used for a one-household residential use, subject to the following conditions:

1. Any parcel containing a one-household residential use shall contain at least one (1) off-street motor vehicle parking space located outside of the front yard area.; and

**WHEREAS**, the Property is legally described as follows:

**ALL OF LOT 105 AND THE NORTH 3 FEET OF LOT 106 OF COLLEGE PARK, AN O.P. AND THE EAST HALF OF THE VACATED ALLEY LYING WEST AND ADJACENT TO THE PARTS OF SAID LOT 105 AND 106, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on August 7, 2023, by Roll Call No. 23-1083, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on August 21, 2023, at 5:00 p.m., at 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposal, 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:

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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, "P2" Public, Civic and Institutional and "N3b" Neighborhood District to Limited "N3b" Neighborhood District, to allow the property to be subdivided and used for a one-household residential use, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

SECOND BY Gatto

FORM APPROVED:

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

(ZONG-2023-000017)

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

MOTION CARRIED

APPROVED

J. 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