



Roll Call Number

23-1272

Agenda Item Number

46

Date September 11, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM SOUTHEAST POLK FAMILY CHURCH (OWNER) REPRESENTED BY DAVID L. HARPER (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 4101 EAST 42ND STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT TO ALLOW THE USE OF THE EASTERN PORTION OF THE PROPERTY FOR A NEW ANIMAL SERVICE – BOARDING USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), for the proposed rezoning from “P2” Public, Civic, and Institutional to Limited “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on August 3, 2023, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Southeast Polk Family Church, represented by David L. Harper (Officer), to rezone the Property from “P2” Public, Civic, and Institutional to Limited “MX3” Mixed Use District, to allow the use of the eastern portion of the property for a new animal service-boarding use, subject to the following conditions:

Use of the property shall be limited to the following:

1. Any use as permitted and limited in “P2” Public, Civic, and Institutional District, and/or
2. An Animal Service: Boarding and/or Grooming use, occurring only between the hours of 7:00 AM and 6:00 PM; and

WHEREAS, the Property is legally described as follows:

LOTS 49 AND 64 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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WHEREAS, on August 21, 2023, by Roll Call No. 23-1169, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on September 11, 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 proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "P2" Public, Civic, and Institutional to Limited "MX3" Mixed Use District, to allow the use of the eastern portion of the property for a new animal service-boarding 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 Matto

FORM APPROVED:

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

(ZONG-2023-000038; COMP-2023-000022)



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

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