

★ **Roll Call Number**

23-1481

Agenda Item Number

67

Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM GERARDO PEREZ (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 415 EAST EUCLID AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Gerardo Perez (Owner), for the proposed rezoning from “N5” Neighborhood District to “RX1” 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 on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Gerardo Perez (Owner), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Gerardo Perez (Owner), to rezone the Property from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the existing retail use into conformance with zoning requirement and to allow use of the parking lot for a food truck (mobile vendor); and

WHEREAS, the Property is legally described as follows:

LOT 1 IN BLOCK 11 IN PLAT ONE OF AUBURN HEIGHTS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.;
and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1323, 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 October 23, 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

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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 Neighborhood Mixed Use is hereby approved.
- 3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to "RX1" Mixed Use District, to bring the existing retail use into conformance with zoning requirement and to allow use of the parking lot for a food truck (mobile vendor), is hereby 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-2023-000044)(COMP-2023-000025)

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