

Date November 6, 2023

**RESOLUTION SETTING HEARING ON REQUEST FROM CITY OF DES MOINES MUNICIPAL HOUSING AGENCY (OWNERS), REPRESENTED BY DWAYNE MYERS (REAL ESTATE DIVISION MANAGER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE TWO PARCELS LOCATED AT 3312 8<sup>TH</sup> STREET AND 3400 8<sup>TH</sup> STREET FROM “N5” NEIGHBORHOOD DISTRICT AND “NX1” NEIGHBORHOOD MIX DISTRICT TO “NX2” NEIGHBORHOOD MIX DISTRICT**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2023, its members voted 13-0 in support of a motion finding the requested rezoning for the two parcels located at 3312 8<sup>th</sup> Street and 3400 8<sup>th</sup> Street are not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2023 its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines Municipal Housing Agency (Owners), represented by Dwayne Myers (Real Estate Division Manager), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property for the two parcels located at 3312 8<sup>th</sup> Street and 3400 8<sup>th</sup> Street from Low Density Residential to High Density Residential; to rezone the Property from “N5” Neighborhood District and “NX1” Neighborhood Mix District to “NX2” Neighborhood Mix District, to allow construction of a new accessory storage and maintenance building and to bring the existing multi-household dwelling into conformance with zoning requirements, 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:

**3400 8<sup>th</sup> Street:**

**A RECTANGULAR SHAPED TRACT OF LAND THAT IS LOCATED IN LOTS 1 AND 2, BLOCK 18, OAK PARK, DES MOINES, POLK COUNTY, IOWA, AND LOT 1, MANN’S FOURTH ADDITION TO LAKE PARK, DES MOINES, POLK COUNTY, IOWA , AND ALL THAT PORTION OF THE 50.0 FEET WIDE DES MOINES BELT LINE RAILROAD LYING WEST OF AND ADJACENT TO LOT 1, IN SAID MANN’S FOURTH ADDITION TO LAKE PARK, AND A PORTION OF LOTS 1 AND 2, BLOCK 1, WHITE’S RIVERVIEW ADDITION, DES MOINES, POLK COUNTY, IOWA, LYING WEST OF AND ADJACENT TO SAID DES MOINES BELT LINE RAILROAD, ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS: BEGINNING AT THE N.E. CORNER OF LOT 1, BLOCK 18, OAK PARK, DES MOINES, POLK COUNTY, IOWA, THENCE S 0DEG 00’ W, ALONG THE EAST LINE OF SAID LOT 1 AND ALSO ALONG THE EAST LINE OF LOT 1, MANN’S FOURTH ADDITION TO LAKE PARK, DES MOINES, POLK COUNTY, IOWA, 328.0 FEET TO THE S.E. CORNER OF LOT 1, IN**



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**SAID MANN'S FOURTH ADDITION TO LAKE PARK, THENCE N 89DEG 58 ½' W, ALONG THE SOUTH LINE OF LOT 1, IN SAID MANN'S FOURTH ADDITION TO LAKE PARK, AND ALONG THE SOUTH LINE OF LOT 1, MANN'S FOURTH ADDITION TO LAKE PARK, EXTENDED TO THE WEST, 200.0 FEET, THENCE N 0DEG 00' E, ALONG THE WEST LINE OF LOT 2, BLOCK 18, OAK PARK, AS IT IS EXTENDED TO TH SOUTH AND ALSO ALONG THE WEST LINE OF LOT 2, BLOCK 18, IN SAID OAK PARK, 328.0 FEET TO THE N.W. CORNER OF LOT 2, BLOCK 18, IN SAID OAK PARK, THENCE S 89DEG 58 ½' E, ALONG THE NORTH LINES OF LOTS 2 AND 1, BLOCK 18, IN OAK PARK, 200.0 FEET, TO THE POINT OF BEGINNING, EXCEPT THE NORTH 0.20 FEET THEREOF AND EXCEPT THE SOUTH 0.61 FEET OF THE EAST 22.10 FEET THEREOF. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.**

**THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1.505 ACRES, MORE OR LESS.**

**3312 8<sup>TH</sup> Street:**

**LOTS TWO (2) AND THREE (3) AND THE 50 FEET IMMEDIATELY WEST OF AND ADJACENT TO SAID LOTS 2 AND 3 IN MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT, (ALSO DESCRIBED AS L.M. MANN'S FOURTH ADDITION TO LAKE PARK, AN OFFICIAL PLAT), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.33 ACRES (14,175 SQUARE FEET).**

**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 amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on November 20, 2023, in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more

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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-2023-000058)(COMP-2023-000036)

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