



Roll Call Number

23-1570

Agenda Item Number

44

Date November 6, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 621-625 OVID, LLC (OWNER), REPRESENTED BY CLARISSA CORTEZ (OFFICER), FOR THE FOLLOWING REGARDING TWO (2) PARCELS LOCATED IN THE VICINITY OF 621 OVID AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” RESIDENTIAL DISTRICT TO LIMITED “NX2” MIXED USE DISTRICT, TO ALLOW A 3RD DWELLING UNIT WITHIN EACH OF TWO (2) EXISTING DUPLEX STRUCTURE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), for two (2) parcels located in in the vicinity of 621 Ovid Avenue, for the proposed rezoning from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix 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 October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to High Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow a 3rd dwelling unit within each of two (2) existing duplex structures, subject to the condition that no building shall contain more than three (3) dwelling units; and

WHEREAS, the Property is legally described as follows:

THE EAST 37.5 FEET OF LOT 21, BLOCK 4, OAK PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND ALL DRIVEWAY EASEMENT RIGHTS OVER ADJOINING PROPERTY AS SET FORTH IN EASEMENT RECORDED IN BOOK 4433 PAGE 257 OF THE POLK COUNTY, IOWA RECORDS;

AND

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THE EAST 1/2 OF LOT 20 AND THE WEST 12 1/2 FEET OF LOT 21 IN BLOCK 4 IN OAK PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on October 23, 2023, by Roll Call No. 23-1429, 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 November 6, 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, the applicant has requested that the public hearing on the request of rezoning and amendment be continued to November 20, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, the public hearing to consider the proposed rezoning two (2) parcels located in in the vicinity of 621 Ovid Avenue from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District and to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation is hereby opened and continued to the City Council meeting on November 20, 2023 at 5:00 p.m. in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

MOVED BY Westergaard TO ADOPT. SECOND BY Gatto.

FORM APPROVED:

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

(COMP-2023-000034) (ZONG-2023-000055)

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