

★ **Roll Call Number**

24-0517

Agenda Item Number

41

Date April 1, 2024

RESOLUTION DISMISSING HEARING ON REQUEST FROM STAMORENO, LLP (OWNER), REPRESENTED BY ANTHONIUS M. STAM (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 2505 EAST 40TH STREET (GEO PARCEL # 792328355007)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), for the proposed rezoning for Property located at from “N3a” Neighborhood District to “N3a-2” Neighborhood 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 March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), to rezone the Property from “N3a” Neighborhood District to “N3a-2” Neighborhood District, to allow the development of the property for two-household (duplex) units; and

WHEREAS, the Property is legally described as follows:

NORTH HALF OF LOT 245 AND ALL OF LOT 246 IN FOUR MILE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on March 18, 2024, by Roll Call No. 24-0414, 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 April 1, 2024, 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, thereafter Stamoreno, LLP requested to withdraw its application for the proposed rezoning and PlanDSM: Creating Our Tomorrow future land use designation amendment.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposals for the Property located at 2505 East 40th Street (Geo Parcel # 792328355007), including the rezoning from “N3a” Neighborhood District to “N3a-2” Neighborhood District and PlanDSM: Creating Our Tomorrow future land use designation amendment from Low Density Residential to Low-Medium Density Residential, are hereby dismissed, and the matter of the proposed rezoning and PlanDSM: Creating Our Tomorrow future land use designation amendment are withdrawn from City Council consideration.

MOVED BY Westergaard TO ADOPT. SECOND BY Gatto.

FORM APPROVED:

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

(ZONG-2024-000004) (COMP-2024-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boeser 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