



**Roll Call Number**

22-0458

**Agenda Item Number**

63

**Date** March 21, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM WENDY STEFFES AND DAVE STEFFES TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 514 FOSTER DRIVE**

**WHEREAS**, on March 7, 2022, by Roll Call No. 22- 0322, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 17, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Wendy Steffes and Dave Steffes, (owners) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 514 Foster Drive (“Property”) from Parks and Open Space to Low Density Residential to allow rezoning to Limited ‘N1a’ Neighborhood District, to allow this to be combined with the adjacent parcel for the construction of a cabana; and

**WHEREAS**, on March 7, 2022, by Roll Call No. 22-0322, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on February 17, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Wendy Steffes and Dave Steffes, (owners) to rezone Property from ‘P2’ Public, Civic and Institutional District, to Limited ‘N1a’ Neighborhood District, for the above-stated purpose, subject to provision of the following setbacks for any primary or accessory building:

1. A minimum of 17 feet from the north property line; and
2. A minimum of 32 feet from the west property line; and

**WHEREAS**, on March 7, 2022, by Roll Call No. 22-0322, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on March 21, 2022, 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 proposed land use amendment and rezoning; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 514 Foster Drive, legally described as:

A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER LOT 34, LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 87°(DEGREES) 59'(MINUTES) 18"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 250.14 FEET; THENCE NORTH 0°03'50" EAST, 30.02 FEET; THENCE SOUTH 87°59'18" EAST, 250.14 FEET; THENCE SOUTH 0°03'50" WEST, 30.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7504 SQ. FT.)

from ‘P2’ Public, Civic and Institutional District to Limited ‘N1a’ Neighborhood District; and



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**WHEREAS**, in accordance with said notice, those interested in said proposed land use amendment and rezoning, 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 land use amendment and the proposed rezoning of the Property to Limited 'N1a' Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Parks and Open Space to Low Density Residential, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited 'N1a' Neighborhood District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT SECOND BY Buesen

APPROVED AS TO FORM:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

(ZONG2021-000010; ZONG2021-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
J. M. Franklin Cownie Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk