



Roll Call Number

22-0827

Agenda Item Number

43

Date May 23, 2022

RESOLUTION HOLDING HEARING ON REQUESTS FROM FROM ELIA, LLC (OWNER) AND EASTER LAKE ESTATES, INC. (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION FOR PROPERTIES IN THE VICINITY OF 7221 SOUTHEAST 5TH STREET FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, on May 9, 2022, by Roll Call No. 22-0695, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2022, the City Plan and Zoning Commission voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Elia, LLC (Owner) and Easter Lake Estates, Inc. (Owner), both represented by Phil Watson (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for two parcels of real property in the vicinity of 7221 Southeast 5th Street from Medium Density Residential to High Density Residential to allow development of the properties with a density greater than 17 dwelling units per acre

WHEREAS, on May 9, 2022, by Roll Call No. 22-0694, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on May 23, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

Parcel 1 (Parcel 7824-34-401-003): Beginning 21 rods (346.5 feet) South of the Northwest corner of the Southeast ¼ of Section 34, Township 78 North, Range 24 West of the 5th P.M., Iowa; running thence South 24 rods (396 feet); then East 26 2/3 rods (440 feet); thence North 24 rods (396 feet); then west 26 2/3 rods (440 feet), to place of beginning, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND

Parcel 2 (7221 SE 5TH ST or Parcel 7824-34-401-004): The North 742.5 feet of the west ½ of the West ½ of the Southeast ¼ of Section 34, Township 78 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa, Except the North 330.0 feet thereof, and Except the South 396.0 feet of the West 440.0 feet thereof;

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 amendment to the PlanDSM Comprehensive Future Land Use Plan; and



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WHEREAS, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment, 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. The communication from the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for 7221 Southeast 5th Street from Medium Density Residential to High Density Residential are hereby received and filed, any and all objections to the proposed amendment are overruled, and the hearing is closed.
3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 7221 Southeast 5th Street to High Density Residential is hereby approved.

Moved by Voss to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Gary D. Goudelock
Gary D. Goudelock
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO				✓
MANDELBAUM	✓			
SHUEMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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