



**Roll Call Number**

22-1417

**Agenda Item Number**

37

Date September 12, 2022

**RESOLUTION SETTING HEARING ON REQUEST FROM GENEVA SHOEMAKER (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE A PORTION OF THE PROPERTY LOCATED AT 4970 SOUTHEAST 24<sup>TH</sup> COURT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 13 - 0 in support of a motion finding the requested rezoning for a portion of the Property located at 4970 Southeast 24<sup>th</sup> Court is 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 September 1, 2022 its members voted 13 - 0 in support of a motion to recommend **APPROVAL** of a request from Geneva Shoemaker (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for a portion of the Property located at 4970 Southeast 24<sup>th</sup> Court from Low Density Residential to Public/Semi-Public and to rezone the Property from “N2b” Neighborhood District to Limited “P2” Public, Civic, and Institutional District to allow subdivision of two existing cell towers from the remainder of the property subject to the following conditions:

1. The 50.32-foot by 323.44-foot access area to be located between the future cell tower parcels shall remain a part of the larger undeveloped parcel until such time the property is subdivided in accordance with a Large Scale Development Plan and subdivision plat regulations.
2. An access easement from East Titus Avenue to each of the cell tower parcels shall be provided until such time the access area is dedicated as public right-of-way.
3. Any new development shall be constructed in accordance with an approved Large Scale Development Plan and subdivision plat; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan as amended; and

**WHEREAS**, the portion of the Property subject to the comprehensive plan amendment and proposed rezoning is legally described as follows:

The North 1/2 of the West 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4; and the North 1/2 of the East 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4 ;and the North 13 Acres of the East 1/2 of the NE 1/4 of the NW 1/4 all in section 25, Township 78 North, Range 24 West of the 5th P.M. Polk County, Iowa except that part beginning at the NW corner of the NE 1/4 of the NW 1/4 of Section 25 , thence South 663 feet; thence East along the South line of the NW 1/4 of the NE 1/4 of the NW 1/4 of section 25, 264.00. feet; thence North 379.0 feet; thence N 88 degrees

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54 minutes East , 610.00 feet; thence North 272 feet to the North Line of the NE 1/4 of the NW 1/4 of said section 25; thence West 874.00 feet to the point of beginning.

**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 is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on October 3, 2022, 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 proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more 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/ Gary D. Goudelock Jr.  
 Gary D. Goudelock Jr.  
 Assistant City Attorney

(ZONG-2022-000068)

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

**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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk