



**Roll Call Number**

22-1639

**Agenda Item Number**

27

**WITHDRAWN**

**Date** October 24, 2022

**RESOLUTION SETTING HEARING ON REQUEST FROM LEGACY 515, LLC (OWNER) TO RECEIVE AND FILE THE LARGE SCALE DEVELOPMENT PLAN, AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF SOUTHWEST 17<sup>TH</sup> STREET AND COUNTY LINE ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2022, its members voted 15-0 in support of a motion finding the requested rezoning for Property located in the vicinity of Southwest 17<sup>th</sup> Street and County Line Road is not in conformance with the existing PlanDSM future land use designation of Business Park; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2022, its members voted 15-0 in support of a motion to recommend **APPROVAL** of a request from Legacy 515, LLC, owner, represented by Zach Vander Ploeg (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of Southwest 17<sup>th</sup> Street and County Line Road from Business Park to Low Density Residential; to rezone the Property from “N3a” Neighborhood District and “EX” Mixed Use District to “N2b” Neighborhood District, to allow the development of one-household residential dwellings, and determined as follows:

- A) The requested rezoning be found not in conformance with the existing Future Land Use designation of Business Park.
- B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Business Park to Low Density Residential.
- C) Approval of rezoning the subject property from “N3a” Neighborhood District and “EX” Mixed Use District to “N2b” Neighborhood District.
- D) Approval of the requested Type 2 Design Alternative for the proposed Large Scale Development Plan, subject to the following conditions:
  - 1) No more than 10 one-household dwellings shall be constructed without a garage. Any one-household use constructed without a garage shall have a basement.
  - 2) Compliance with all administrative review comments.

**WHEREAS**, the Property is legally described as follows:

Lots 1 through 47 and that portion of Lot 103 lying north of an easterly extension of the south line of Lots 30 through 47, in Highland Hills Plat No. 6, city of Des Moines, Polk County, Iowa

**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.



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- 2. That the meeting of the City Council at which the proposed large scale development plan, amendment to the comprehensive plan future land use designation, and rezoning 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 November 7, 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 \_\_\_\_\_ TO ADOPT. SECOND BY \_\_\_\_\_.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland  
Assistant City Attorney

(ZONG-000078 and 2022-000080)

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk