



Roll Call Number

23-0156

Agenda Item Number

18

Date February 6, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM LANGWORTHY ENTERPRISES XIII, LLC REPRESENTED BY DANIEL E. LANGWORTHY FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1327 13TH STREET TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW-MEDIUM RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” MIXED USE DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR MULTI-HOUSEHOLD USE WITH UP TO 6 DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), for the proposed rezoning to Limited “NX2” Mixed Use District be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to High Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Mixed Use District, to allow use of the property for a multiple-household use with up to 6 dwelling units, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall not exceed six (6) dwelling units; and
2. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and
3. Any use of the Property for a multiple-household residential use shall be in compliance with all applicable Building, Fire, and Rental Codes.

WHEREAS, the Property is legally described as follows:



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THE NORTH 10 FEET OF LOT 18, ALL OF LOT 19, AND THE SOUTH 9.6 FEET OF LOT 20 IN FIELD'S SUBDIVISION OF WEST HALF OF BLOCK 3 SUMMIT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE 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.
2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow Comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on February 20, 2023.
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.



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MOVED BY Gatto TO ADOPT

SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(COMP-2022-000004; ZONG-2022-000101)

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, 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