

**Date** February 20, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LANGWORTHY ENTERPRISES XIII, LLC TO AMEND PLANDSM CREATING OUR TOMORROW PLAN FUTURE LAND USE CLASSIFICATION AND TO REZONE THE PROPERTY LOCATED AT 1327 13<sup>TH</sup> STREET 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 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 revise 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 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:

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.



**Roll Call Number**

23-0253

**Agenda Item Number**

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**Date** February 20, 2023

**WHEREAS**, on February 6, 2023, by Roll Call No. 23-0156, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on February 20, 2023, 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low-Medium Density Residential to High Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "NX2" Neighborhood Mix District, to allow the use of the property for a multiple-household use with up to 6 dwelling units, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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MOVED BY Sheumaker TO ADOPT. SECOND BY Gatto.

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. Frankie 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