

★ Roll Call Number

23-0723

Agenda Item Number

24

Date May 22, 2023

**RESOLUTION SETTING HEARING ON REQUEST FROM CHARLES E KOENIGS AND SHIRLEY D KOENIGS (OWNERS) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 7905 SOUTHEAST 14TH STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 4, 2023, its members voted 11-0 in support of a motion finding the requested rezoning for Property located at 7905 Southeast 14<sup>th</sup> Street is not in conformance with the existing PlanDSM future land use designation of Parks and Open Space with Development Control Zone; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 4, 2023 its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Charles E Koenigs and Shirley D Koenigs (Owners), to amend the PlanDSM: Creating Our Tomorrow future land use designation of a portion of the property generally in the northwest corner of the lot located at 7905 Southeast 14<sup>th</sup> Street from Parks and Open Space with Development Control Zone to Low Density Residential; to rezone the Property from "F" Flood District to "N1a" Residential District, to allow the construction of a new accessory building, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

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

**ALL THAT LYING SOUTH AND WEST OF SOUTH BANK OF UNNAMED CREEK AND NORTH AND EAST OF FLOODWAY BOUNDARY, A PART OF THE WEST 367 FEET OF THE NORTH ½ OF LOT 3 IN SOUTHACRE, AN OFFICIAL PLAT IN POLK COUNTY, IOWA, AND RECORDED IN THE RECORDS OF THE POLK COUNTY RECORDER, BOOK 15867 PAGE 444, AND BEING DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 78 NORTH, SECTION 24 WEST OF THE 5TH/ P.M., CITY OF DES MOINES, POLK COUNTY, IOWA: THENCE N0° 11' 42"W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 386.63 FEET; THENCE S 89° 26' 08"W TO A POINT ON THE EAST RIGHT OF WAY LINE OF SE 14TH/ STREET, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE N 0° 11' 42"W ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 354.10' FEET; THENCE S89° 20' 59"E, ALONG THE NORTH LINE OF LOT 3 IN SOUTHACRE, A DISTANCE OF 102.13' FEET; THENCE S 66° 49' 51"E, A DISTANCE OF 65.98' FEET; THENCE S 24° 32' 42"E, A DISTANCE OF 50.25' FEET; THENCE S 09° 43' 14"W, A DISTANCE OF 178.84' FEET, THENCE S 44° 09' 58"W TO A POINT ON THE SOUTH LINE W 367 N1/2 LOT 3 SOUTHACRE, A DISTANCE OF 147.13' FEET;**

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THENCE N89°22'02" ALONG SAID SOUTH LINE W 2367 N1/2 LOT 3 SOUTH ACRE, 49.74' FEET TO THE POINT OF BEGINNING. CONTAINING 51,675 SQUARE FEET (1.19 ACRES) MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD, RECORDER OR UNRECORDED.

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 June 12, 2023 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/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000020) (COMP-2023-000015)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (YEAS: 6, ABSENT: 1).

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