



**Roll Call Number**

23-1250

**Agenda Item Number**

26

**Date** September 11, 2023

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM WH II, LTD (OWNER) REPRESENTED BY CYNTHIA STEIDL-BISHOP (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 5631 FRANCIS AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N3B” NEIGHBORHOOD DISTRICT TO “NX2” NEIGHBORHOOD MIX DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A PARKING LOT EXPANSION**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), for the proposed rezoning from “N3b” Neighborhood District to “NX2” Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), to rezone the Property from “N3b” Neighborhood District to “NX2” Neighborhood Mix District, to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use, subject to the following conditions:

1. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).; and
2. Any parking lot shall provide screening along the west (side) property line to the satisfaction of the City’s Planning and Urban Design Division Administrator.; and

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

**THE SOUTH 122 FEET OF LOT 1 IN JAN'S PLACE, PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES**

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MOINES, IOWA; ALSO LEGALLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, JAN'S PLACE, PLAT NO. 3, THENCE NORTH 122 FEET, THENCE WEST 262.33 FEET, THENCE SOUTH APPROXIMATELY 122 FEET TO THE POINT OF BEGINNING, ALL BEING APPROXIMATE DIMENSIONS AND SUBJECT TO SURVEY.

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 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 October 2, 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.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(COMP-2023-000024; ZONG-2023-000041)

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

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. Frankin Cownie Mayor

Laura Baumgartner City Clerk