

★ **Roll Call Number**
24-0819

Agenda Item Number
34

Date June 3, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LAWNWOODS PROPERTY, LLC (OWNER), REPRESENTED BY LELAND HECKER (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3004 30TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), for the proposed rezoning from “N3b” Neighborhood District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential on the eastern portion of the subject property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), to rezone the Property from “N3b” Neighborhood District to “RX1” Mixed Use District to allow continued use of the property for a Business/Professional Office use; and

WHEREAS, the Property is legally described as follows:

THE EAST 180.0 FEET OF THE SOUTH 83.46 FEET OF LOT THIRTY-TWO (32) IN KINGMAN'S ORCHARD, AN OFFICIAL PLAT, MEASURED ON THE EAST LINE THEREOF, AND THE NORTH 16.54 FEET OF THE WEST 165.00 FEET OF THE EAST 180.00 FEET OF THAT PART OF VACATED ADAMS STREET LYING SOUTH AND ADJACENT TO SAID PARCEL; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on May 20, 2024, by Roll Call No. 24-0736, 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 June 3, 2024, 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

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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 Density Residential to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N3b” Neighborhood District to “RX1” Mixed Use District, to allow continued use of the property for a Business/Professional Office use, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Coleman TO ADOPT. SECOND BY Gatto

FORM APPROVED:

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

(ZONG-2024-000011) (COMP-2024-000008)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen 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