

★ Roll Call Number

24-1527

Agenda Item Number

38

Date November 4, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM MEASURED 3708 SE 14TH, LLC (OWNER), REPRESENTED BY GREG DANIELSON (OFFICER), REGARDING PROPERTY IN THE VICINITY OF 3710 SOUTHEAST 14TH STREET TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Measured 3708 SE 14th LLC (Owner), represented by Greg Danielson (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Medium Density Residential to High Density Residential, to allow expansion of the existing multiple-household residential development so that it has a net density greater than 17 dwelling units per acre; and

WHEREAS, the Property is legally described as follows:

3708 SE. 14TH STREET

(TRACT 1)

BEGINNING 792 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK, COUNTY IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 261 FEET TO THE SOUTH LINE OF SAID PLAT 1; THENCE EAST ALONG THE SOUTH LINE, 120 FEET; THENCE SOUTH 23 FEET; THENCE EAST 260 FEET; THENCE SOUTH 238 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5233, PAGE 743.

AND

(TRACT 2)

BEGINNING 538 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 254 FEET; THENCE EAST 380 FEET; THENCE SOUTH 254 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5233, PAGE 743.

3722 SE. 14TH STREET

(TRACT 3)

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BEGINNING 292 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 246 FEET; THENCE EAST 380 FEET; THENCE SOUTH 246 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5245, PAGE 534.; and

WHEREAS, on October 21, 2024, by Roll Call No. 24-1445, it was duly resolved by the City Council that the request for approval of the proposed amendment be set down for hearing on November 4, 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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 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 Medium Density Residential to High Density Residential is hereby approved.

MOVED BY *Batto* TO DENY. SECOND BY *Coleman*.

FORM APPROVED:

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

(COMP-2024-000018)

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON				✓
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM		✓		
GATTO	✓			
TOTAL	<u>5</u>	<u>1</u>		<u>1</u>

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