



Roll Call Number

22-1568

Agenda Item Number

61

Date October 3, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM GENEVA SHOEMAKER (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE A PORTION OF THE PROPERTY LOCATED AT 4970 SOUTHEAST 24TH COURT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 13 - 0 in support of a motion finding the requested rezoning for a portion of the Property located at 4970 Southeast 24th Court is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022 its members voted 13 - 0 in support of a motion to recommend **APPROVAL** of a request from Geneva Shoemaker (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for a portion of the Property located at 4970 Southeast 24th Court from Low Density Residential to Public/Semi-Public and to rezone the Property from “N2b” Neighborhood District to Limited “P2” Public, Civic, and Institutional District to allow subdivision of two existing cell towers from the remainder of the property subject to the following conditions:

1. The 50.32-foot by 323.44-foot access area to be located between the future cell tower parcels shall remain a part of the larger undeveloped parcel until such time the property is subdivided in accordance with a Large Scale Development Plan and subdivision plat regulations.
2. An access easement from East Titus Avenue to each of the cell tower parcels shall be provided until such time the access area is dedicated as public right-of-way.
3. Any new development shall be constructed in accordance with an approved Large Scale Development Plan and subdivision plat; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan as amended; and

WHEREAS, the portion of the Property subject to the comprehensive plan amendment and proposed rezoning is legally described as follows:

The North 1/2 of the West 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4; and the North 1/2 of the East 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4 ;and the North 13 Acres of the East 1/2 of the NE 1/4 of the NW 1/4 all in section 25, Township 78 North, Range 24 West of the 5th P.M. Polk County, Iowa except that part beginning at the NW corner of the NE 1/4 of the NW 1/4 of Section 25 , thence South 663 feet; thence East along the South line of the NW 1/4 of the NE 1/4 of the NW 1/4 of section 25, 264.00. feet; thence North 379.0 feet; thence N 88 degrees



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54 minutes East , 610.00 feet; thence North 272 feet to the North Line of the NE 1/4 of the NW 1/4 of said section 25; thence West 874.00 feet to the point of beginning.

WHEREAS, on September 12, 2022, by Roll Call No. 22-1417, 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 October 3, 2022, 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 Density Residential to Public/Semi-Public is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N2b" Neighborhood District to Limited "P2" Public, Civic and Institutional District, to allow the parceling off of two existing cell towers from the residential property, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

SECOND BY Voso.



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FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000068)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin 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