

Date June 12, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING 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 a portion of the property generally in the northwest corner of the lot located at 7905 Southeast 14th Street, for the proposed rezoning from “F” Flood District to “N1a” Residential District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan 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), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Parks and Open Space with Development Control Zone to Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further 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 rezone the subject property from “F” Flood District to “N1a” Residential District, to allow the construction of a new accessory building; and

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°



Roll Call Number

23-0857

Agenda Item Number

52

Date June 12, 2023

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; 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.; and

WHEREAS, on May 22, 2023, by Roll Call No. 23-0723, 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 12, 2023, 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 Parks and Open Space with Development Control Zone to Low Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "F" Flood District to "N1a" Residential District, to allow the construction of a new accessory building, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

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

★ Roll Call Number

23-0857

Agenda Item Number

52

Date June 12, 2023

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED				APPROVED

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