



**Roll Call Number**

23-1372

**Agenda Item Number**

70

**Date** October 2, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 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 LIMITED “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 Limited “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 Limited “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.;

**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 MOINES, IOWA; ALSO LEGALLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF**



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**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.**

**WHEREAS**, on September 11, 2023, by Roll Call No. 23-1250, 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 2, 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 Low Density Residential to Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3b" Neighborhood District to Limited "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 conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Boesen TO ADOPT.

SECOND BY Mandelbaum.

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill

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Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

*J. M. Frankin 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