

Date February 14, 2011

REZONING OF RESIDENTIAL PROPERTIES AT 4600, 4610 AND 4720 SW 31st STREET
FROM THE "M-3" LIMITED INDUSTRIAL DISTRICT TO THE
"R1-80" ONE-FAMILY RESIDENTIAL DISTRICT,
TO RESTORE SUCH PROPERTIES TO A LEGAL CONFORMING USE STATUS

WHEREAS, Gayland Hoffman of 4600 SW 31st Street, Richard Phillips of 4610 SW 31st Street, and Robert Kinder of 4720 SW 31st Street, have asked that their homes at the addresses above be rezoned back to the "R1-80" One-Family Residential District from the "M-3" Limited Industrial District; and,

WHEREAS, the properties identified above were rezoned from "R1-80" District to the "M-3" District by Ordinance No. 7226, passed July 12, 1965, in the expectation that the properties would be acquired by the Des Moines International Airport for airport or airport related facilities; and,

WHEREAS, the properties were not acquired by the Airport, are not needed for any planned airport activities, and continue to be used for owner-occupied single-family dwellings; and,

WHEREAS, residential uses are not permitted in the "M-3" District, which causes the dwellings on the properties identified above to be legal non-conforming, which makes it more difficult and expensive for the potential buyers and owners of these properties to obtain financing for the purchase and improvement of these properties; and

WHEREAS, the rezoning of the properties identified above, and more specifically described below, from the "M-3" Limited Industrial District to the "R1-80" One Family Residential District, and any necessary amendment to the Des Moines 2020 Community Character Land Use Plan necessary to accommodate such rezoning, was initiated by the City Council:

Lots 7, 8 and 13, Serendipity Plat 3, an Official Plat; and, Lot 1, Airport Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on January 10, 2011 by Roll Call No. 11-0025, the proposed rezoning and any necessary amendment to the Des Moines 2020 Community Character Land Use Plan necessary to accommodate such rezoning was set for public hearing by the City Council in the Council Chambers at City Hall, Des Moines, Iowa at 5:00 p.m. on February 14, 2011, at which time the City Council heard those who oppose and those who favor the proposal.

Date February 14, 2011

WHEREAS, notice of the public hearing was published according to law in the Des Moines Register on February 3, 2011.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel that the objections of the proposed rezoning of the property to R1-80 are hereby overruled, the hearing is closed, and the proposed rezoning is approved.

MOVED by _____ to adopt.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, 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.

Mayor

City Clerk

74B

City Council initiated request to rezone properties at 4600, 4610 and 4720 Southwest 31 st Street. The subject properties are owned by Gayland Hoffman, Richard Phillips, and Robert Kinder respectively.				File #	
				ZON2011-00002	
Description of Action	Rezoning from "M-3" Limited Industrial District to "R1-80" One Family Residential District.				
2020 Community Character Plan	Currently Planned Business Park Proposed Low Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-3" Limited Industrial District				
Proposed Zoning District	to "R1-80" One-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	0			
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated Rezoning - 4600, 4610, 4720 SW 31st Street ZON2011-00002



February 7, 2011

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 3, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

APPROVAL of a City Council initiated request to find that the rezoning of properties located at 4600, 4610 and 4720 Southwest 31st Street be found **not** in conformance with the existing Des Moines' 2020 Community Character Plan; **approval** to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Planned Business Park to Low Density Residential; and to recommend rezoning from "M-3" Limited Industrial District to "R1-80" One-Family Residential District. 21-2011-4.01 & ZON201100002

Written Responses

3 In Favor
0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the initiated rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Planned Business Park to Low Density Residential.

Part C) Staff recommends approval of the initiated rezoning from "M-3" Light Industrial District to "R1-80" One Family Residential District.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject site consists of three parcels each containing a single-family dwelling. The City Council initiated this rezoning on January 10, 2011 by Roll Call No 11-0025 at the request of the property owners. The Roll Call stated the following as support for initiating the rezoning:
 - The properties were not acquired by the Airport, are not needed for any planned Airport activities, and continue to be used for owner-occupied single-family dwellings.
 - Residential uses are not permitted in the "M-3" District, which causes the dwellings on the properties identified above to be legal non-conforming, which makes it more difficult and expensive for the potential buyers and owners of these properties to obtain financing for the purchase and improvement of these properties."
2. **Size of Site:** 290' x 362' (104,980 square feet or 2.41 acres).
3. **Existing Zoning (site):** "M-3" Limited Industrial District.
4. **Existing Land Use (site):** Three (3) Single-family dwellings and their associated accessory structures.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-80", Uses are single-family dwellings.
 - South* – "M-3", Uses are Des Moines International Airport general aviation facilities.
 - East* – "M-3", Uses are light manufacturing and warehousing.
 - West* – "M-3", Uses are Des Moines International Airport general aviation facilities and Iowa Air National Guard..
6. **General Neighborhood/Area Land Uses:** The subject property is located in the southwest quadrant of the City to the north of the Des Moines International Airport northeast of McKinley Avenue. It is in an area that transitions in uses from the Airport and supporting industrial uses to the single-family residential neighborhood to the north.
7. **Applicable Recognized Neighborhood(s):** Southwestern Hills Neighborhood.
8. **Relevant Zoning History:** N/A.

9. 2020 Community Character Land Use Plan Designation: Planned Business Park.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Buffering:** The Zoning Ordinance does not require side and rear yard setbacks between properties zoned "M-3." However, with the requested rezoning, the remaining adjoining "M-3" District property would be subject to an "R" District protection provision that requires a 25-foot side yard and a 50-foot rear yard setback with a minimum four-foot opaque screen when the "M-3" District development abuts an "R" District property boundary. Opaque screens generally can consist of a wall, fence, berm, landscaping or an adequate mix of these elements as described by the Zoning Ordinance. If the subject site is rezoned these buffering provisions would apply to new development on the adjoining property to the west and south.
- 2. 2020 Community Character Plan:** The City's Land Use Plan identifies this area as "Planned Business Park," which matches the primary development pattern in the area surrounding and in support of the Airport. Since the construction of relocated McKinley Avenue, the subject properties have been severed away from the Airport. The City's future master plan for the airport does not include the subject property for any future improvements or supporting uses.

Staff Rationale: After review, staff does not see a public purpose for the subject properties for the Airport or its supporting development needs. The property is developed with existing single-family dwellings on lots that conform to the proposed "R1-80" District regulations. The initiated rezoning will bring the properties into conformance with the existing Zoning Ordinance. They are currently considered legal non-conforming. This puts them at risk in the event that they may become destroyed beyond 60% at which point they could not be rebuilt. The rezoning of the properties will also afford some additional protection under the Zoning Ordinance by requiring restrictions on any future industrial development of adjoining property by requiring buffering and separation for that development.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

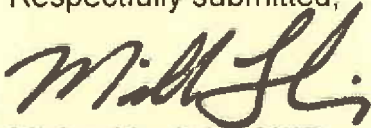
There was no one to speak in opposition of the applicant's request

COMMISSION ACTION:

Jacqueline Easley moved staff recommendation Part A) To find the initiated rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) To approve the amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Planned Business Park to Low Density Residential; and Part C) To approve the initiated rezoning from "M-3" Light Industrial District to "R1-80" One Family Residential District.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment



Item 2011-00002

Date 2/29/11

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT
FEB 01 2011

Print Name Richard Phillips
Signature Richard Phillips
Address 4610 SW 31ST

Reason for opposing or approving this request may be listed below:

This is the right thing to do and
I "appreciate" very much the
city taking this action.
Thank you!!

PART OF SUBJECT PROPERTY

Item 2011-00002

Date 1/26/11

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT
JAN 31 2011

Print Name Donald R Jones Jr
Signature Donald R Jones Jr
Address 3110 Stanton Ave.

Reason for opposing or approving this request may be listed below:

7413

It. m. 2011-00002 Date 1-26-11

(am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
JAN 31 2011
DEPARTMENT

Print Name Karen Houseman

Signature [Handwritten Signature]

Address 4504 SW 31st St
Des Moines IA 50321

Reason for opposing or approving this request may be listed below:

