



Date September 8, 2014

RESOLUTION HOLDING HEARING ON REQUEST FROM RONNIE AND NANCY EIVINS (OWNERS) TO REZONE PROPERTY LOCATED AT 126 EAST 28TH COURT FROM “M-1” LIGHT INDUSTRIAL DISTRICT TO “R1-60” ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT, TO ALLOW THE EXISTING SINGLE-FAMILY DWELLING TO BE A PERMITTED USE

WHEREAS, on August 25, 2014, by Roll Call No. 14-1292, the City Council received and filed the recommendation from the City Plan and Zoning Commission, by a vote of its members of 10-0, to **APPROVE** a request from Ronnie and Nancy Eivins (owners) to rezone property located at 126 East 28th Court (“Property”) from “M-1” Light Industrial District to “R1-60” One-Family Low-Density Residential District, to allow the existing single-family dwelling to be a permitted use; and

WHEREAS, on August 25, 2014, by Roll Call No. 14-1292, it was duly resolved by the City Council that the application of Ronnie and Nancy Eivins (owner) to rezone the Property, as legally described below, be set down for hearing on September 8, 2014 at 5:00 P.M., in the Council Chamber at City Hall; 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 proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 126 East 28th Court, legally described as:

Lot 64 of Block J in HARTLEY’S ADDITION TO GRANT PARK, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from “M-1” Light Industrial District to “R1-60” One-Family Low-Density Residential District, to allow the existing single-family dwelling to be a permitted use.

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, statements of interested persons and arguments of counsel, any and all objections to the proposed rezoning of the Property to “R1-60” One-Family Low-Density Residential District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to “R1-60” One-Family Low-Density Residential District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



Roll Call Number

Agenda Item Number

41

Date August 25, 2014

-2-

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2014-00127)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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



August 11, 2014

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 August 7, 2014, the following action was taken regarding a request from Ronnie and Nancy Eivins (owners) to rezone property located at 126 East 28th Court.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier	X			

APPROVAL of staff recommendation that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan and approval of the requested rezoning to "R1-60" One-Family Low-Density Residential District. (ZON2014-000127)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning to "R1-60" One-Family Low-Density Residential District.

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to bring the subject single-family residential use into zoning conformance as a permitted use.
2. **Size of Site:** 6,150 square feet.
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** Single-family dwelling.
5. **Adjacent Land Use and Zoning:**
 - North* - "M-1", Use is vacant land.
 - South* – "M-1", Use is Mid-Iowa Towing contractor yard and railroad
 - East* - "R1-60", Uses are single-family residential dwellings.
 - West* - "R1-60" & "M-1", Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is within a transition area between light industrial to the west and south; and residential use to the east. The subject block is between the railroad yards to the south and Dean Avenue on the north.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Fairground Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on July 18, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on July 18, 2014 (20 days prior) and July 28, 2014 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 1, 2014.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairground Neighborhood Association notices were mailed to Sharon Cooper, c/o FNA, PO Box 8057, Des Moines, IA 50301.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential based on the Fairground Neighborhood Action Plan.
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. **Landscaping & Buffering:** The requested rezoning would require any future industrial development on surrounding properties to buffer from this subject property. Particularly any expansion or redevelopment of the business to the south.
2. **Traffic/Street System:** East 28th Court is not an improved street and has a dead-end to the south.
3. **Access or Parking:** The property has access from both East 28th Court and the north/south and east/west alleys to the west and south.
4. **2020 Community Character Plan:** The Fairground Neighborhood Action Plan designated the subject property and block for future Low Density Residential use reflecting the majority of the development. The zoning has remained the same "M-1" designation that it carried at the time of the adoption of the Fairground Neighborhood Action Plan. Rezoning of additional surrounding single-family dwelling properties to "R1-60" may be necessary in the future.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

CJ Stephens moved staff recommendation to find the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan and approval of the requested rezoning to "R1-60" One-Family Low-Density Residential District.

Motion passed 10-0.

Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Request from Ronnie and Nancy Eivins (owners) to rezone property located at 126 East 28th Court.		File #		
		ZON2014-00127		
Description of Action	Approval to rezone from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District, to allow the existing single-family dwelling to be a permitted use.			
2020 Community Character Plan	Low Density Residential (current).			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District.			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Ronnie & Nancy Eivins, 126 East 28th Court

ZON2014-00127



1 inch = 68 feet

Item ZON2014-00127

Date 8-4-14

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

(Circle One)
AUG 06 2014

DEPARTMENT

Print Name JAKE GRUBER - COMMANDER
VFW POST 738

Signature [Signature]

Address 2801 DEAN AVE, DES MOINES

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

Item ZON2014-00127

Date 7-29-14

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

applicant

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

AUG 04 2014

DEPARTMENT

Print Name Ronnie + Nancy Eivins

Signature Ronnie + Nancy Eivins

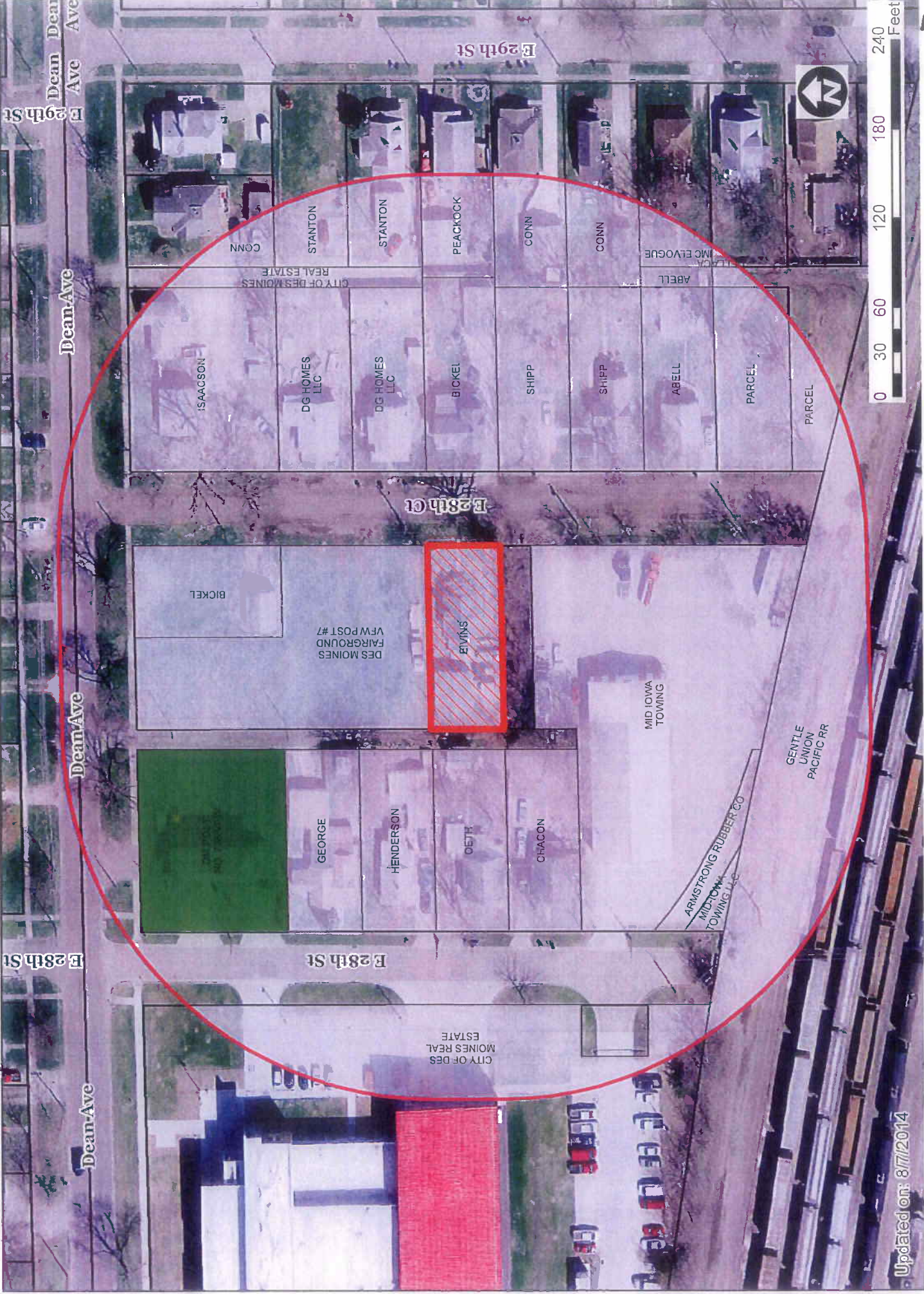
Address 126 E. 28th Ct. DM IA 50317

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

to sell the house.

Ronnie & Nancy Eivins, 126 East 28th Court

ZON2014-00127



Updated on: 8/7/2014