



Date March 6, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
GLEN AND APRIL BROWN TO REZONE PROPERTY LOCATED AT
4518 SOUTHWEST 33RD STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Glen and April Brown (purchasers) to rezone City-owned property located at 4518 Southwest 33rd Street (“Property”) from “M-3” Limited Industrial District to Limited “R1-80” One-Family Residential District to allow for development of a single-family dwelling with access from Southwest 33rd Street, subject to the following conditions:

1. Any dwelling constructed shall have a full basement.
2. Any dwelling constructed shall have minimum 2-car attached garage.
3. The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. At least 1/3 of the façade shall be clad with stone or brick masonry.
4. Windows on any façade facing a public street shall have either of the following:
 - a. Trim border not less than 4 inches in width; or
 - b. Shutters on each side.
5. Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
6. Any single story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
7. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
8. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
9. Any chain link fence shall have black vinyl-cladding; and

WHEREAS, the Property to be rezoned is legally described as follows:

ALL OF PARCEL “A” LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 IN SERENDIPITY PLAT 3, AN OFFICIAL PLAT, SAID PARCEL “A” IS RECORDED IN BOOK 15189 PAGE 476 IN THE RECORDER’S OFFICE OF POLK COUNTY, IOWA; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.



Roll Call Number

Agenda Item Number

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Date March 6, 2017

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2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on March 20, 2017, at which time the City Council will hear both those who oppose and those who favor the proposal.

3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2017-00002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

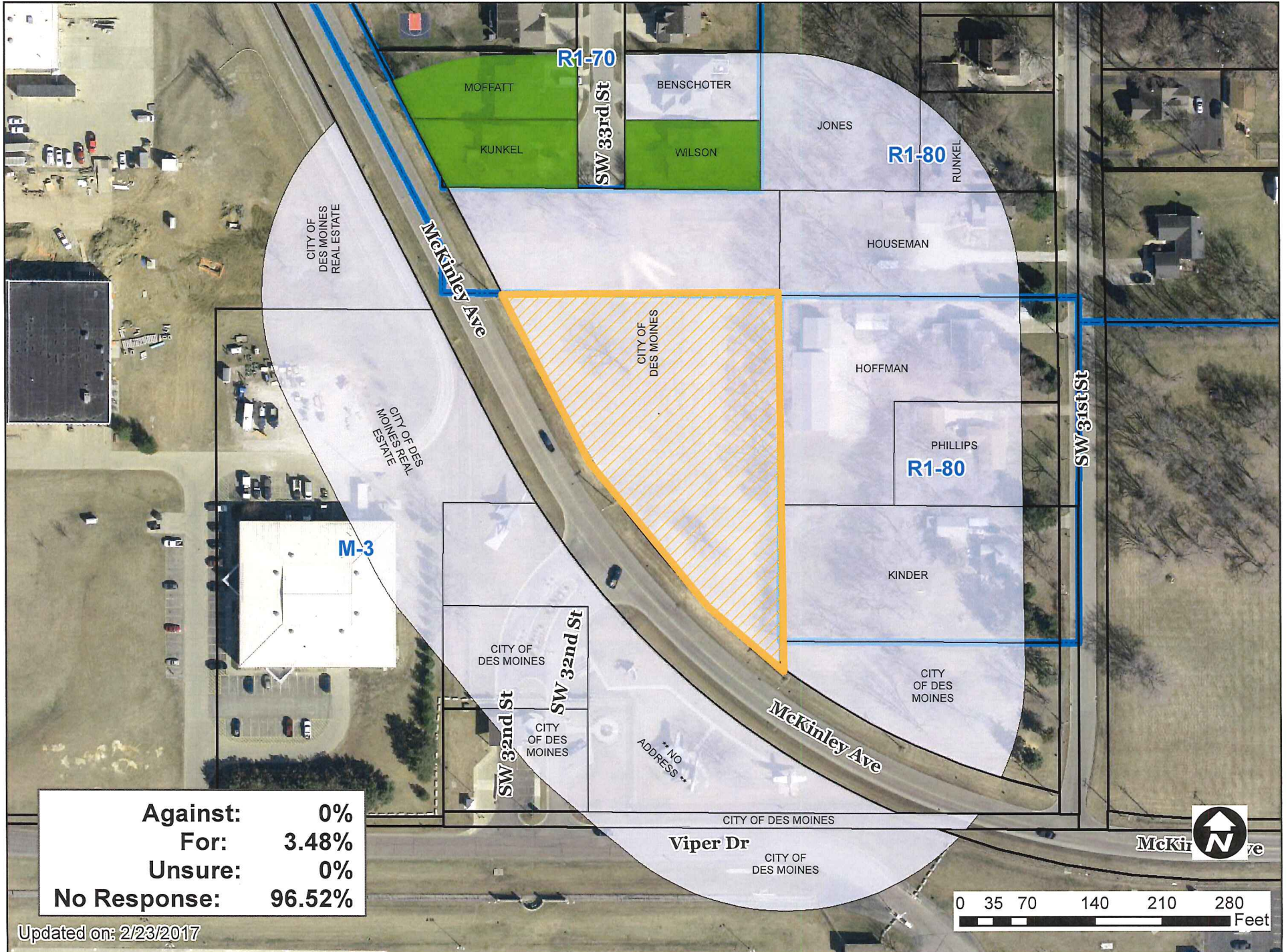
CERTIFICATE

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



Against:	0%
For:	3.48%
Unsure:	0%
No Response:	96.52%

Updated on: 2/23/2017

42



February 24, 2017

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 16, 2017, the following action was taken regarding a request from Glen and April Brown (purchasers) to rezone property located at 4518 Southwest 33rd Street from "M-3" Limited Industrial District to "R1-80" One-Family Residential District to allow for development of single-family dwelling with access from Southwest 33rd Street. The subject property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			

APPROVAL of Part A) to find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Low Density Residential and approval of Part B) the rezoning subject to the following conditions:
(ZON2017-0002)



- a. Any dwelling constructed shall have a full basement.
- b. Any dwelling constructed shall have minimum 2-car attached garage.
- c. The front façade of any house constructed must contain one of the following:
 1. A front porch of not less than 60 square feet; or
 2. At least 1/3 of the façade shall be clad with stone or brick masonry.
- d. Windows on any façade facing a public street shall have either of the following:
 1. Trim border not less than 4 inches in width; or
 2. Shutters on each side.
- e. Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- f. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
- g. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- i. Any chain link fence shall have black vinyl-cladding:

Written Responses

5 in Favor

0 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Low Density Residential.

Part B) Staff recommends approval of the rezoning subject to the following conditions:

- a. Any dwelling constructed shall have a full basement.
- b. Any dwelling constructed shall have minimum 2-car attached garage.
- c. The front façade of any house constructed must contain one of the following:
 1. A front porch of not less than 60 square feet; or
 2. At least 1/3 of the façade shall be clad with stone or brick masonry.
- d. Windows on any façade facing a public street shall have either of the following:
 1. Trim border not less than 4 inches in width; or
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- f. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.

- g. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- i. Any chain link fence shall have black vinyl-cladding.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow for development of a single-family dwelling oriented toward Southwest 33rd Street. The subject property is currently owned by the City of Des Moines. On January 9, 2017, the City Council approved the sale of the property to the applicant in accordance with Roll Call 17-0074.
2. **Size of Site:** 2.31 acres.
3. **Existing Zoning (site):** The northernmost 110 feet of the parcel is zoned “R1-80” One-Family Residential District. The balance is zoned “M-3” Limited Industrial District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North* - “R1-70”, Uses are single-family dwellings.
 - South* - “M-3”; Uses are Des Moines International Airport and Iowa Periodicals Inc.
 - East* - “R1-80”; Uses are single-family dwellings.
 - West* - “M-3”; Uses are Des Moines International Airport and Iowa Periodicals Inc.
6. **General Neighborhood/Area Land Uses:** Low-density single-family residential uses and light industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Southwestern Hills Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Final Agenda on January 27, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on February 6, 2017 (10 days prior to the public hearing) to the Southwestern Hills Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Southwestern Hills Neighborhood Association notice was mailed to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

The applicant held their neighborhood meeting on January 30, 2017. The applicant will be available to provide a summary of the neighborhood meeting at the hearing

8. **Relevant Zoning History:** On October 18, 1999, the property adjacent to the north of the site was rezoned to “R1-70” District by Ordinance 13,765. This rezoning is subject to the following conditions:
 - A. No single-story dwelling shall be constructed or placed upon the Property unless such dwelling has a finished interior space (excluding basement and garage) of at least 1250 square feet. No dwelling shall be constructed or placed upon the Property having more than one story unless such dwelling has a finished interior space (excluding basement and garage) of at least 1400 square feet.
 - B. No dwelling shall be constructed or placed upon the Property without a basement.
 - C. No dwelling shall be constructed or placed upon the Property without a two-car attached or detached garage.
 - D. Prior to any development of the Property, the entire Property shall be subdivided by a single subdivision plat.
9. **PlanDSM Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan:** The site is designated as “Low-Density Residential” on the Future Land Use Map. This designation is described as “areas developed with primarily single family and two family residential units with up to 6 units per net acre.” The proposed “R1-80” District is compatible with this designation.
2. **Utilities:** Necessary utilities are available within the Southwest 33rd Street right-of-way to the north.
3. **Drainage/Grading:** Any development of the site must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.
4. **Urban Design:** Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining developments:
 - a. Any dwelling constructed shall have a full basement.
 - b. Any dwelling constructed shall have minimum 2-car attached garage.

- c. The front façade of any house constructed must contain one of the following:
 - 1. A front porch of not less than 60 square feet; or
 - 2. At least 1/3 of the façade shall be clad with stone or brick masonry.
- d. Windows on any façade facing a public street shall have either of the following:
 - 1. Trim border not less than 4 inches in width; or
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- g. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- i. Any chain link fence shall have black vinyl-cladding.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones moved staff recommendation for approval of Part A) to find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Low Density Residential and approval of Part B) the rezoning subject to the following conditions:

- a. Any dwelling constructed shall have a full basement.
- b. Any dwelling constructed shall have minimum 2-car attached garage.
- c. The front façade of any house constructed must contain one of the following:
 - 1. A front porch of not less than 60 square feet; or
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- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- i. Any chain link fence shall have black vinyl-cladding.

Motion carried 12-0.

Respectfully submitted,


Erik Lundy, AICP
Senior Planner

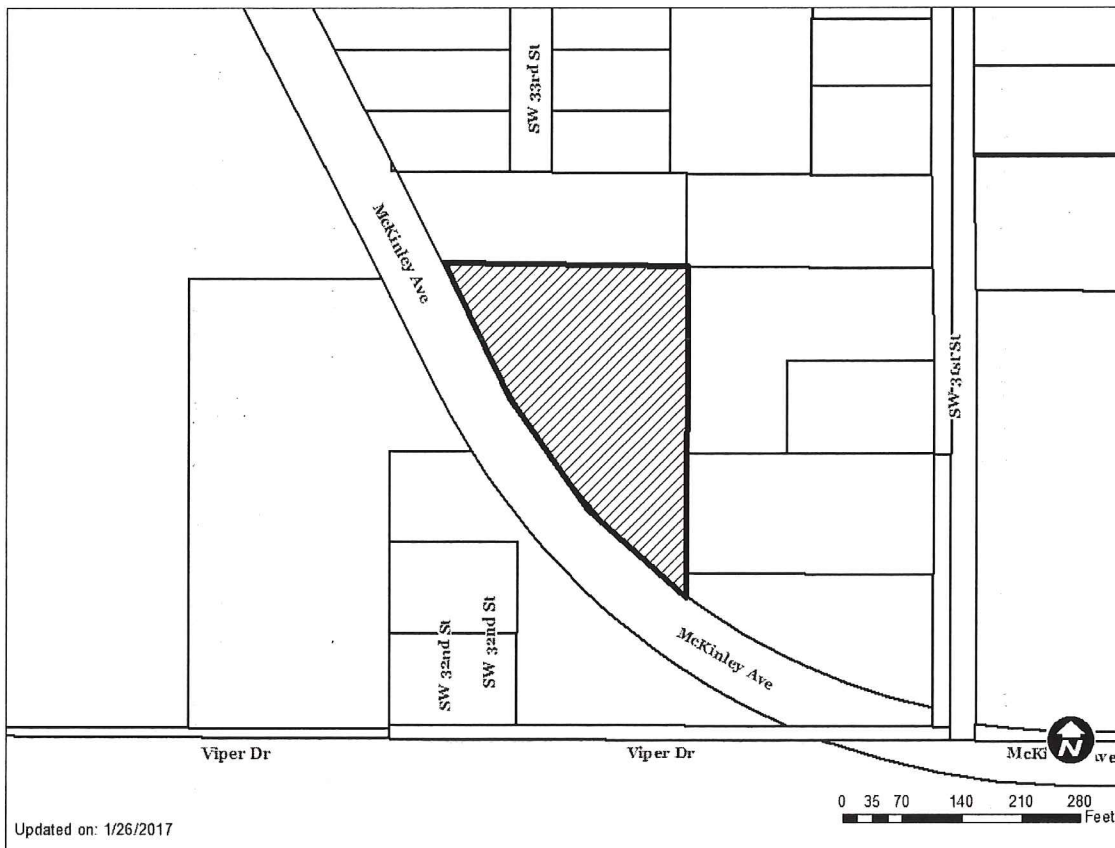
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Attachment

Glen and April Brown (purchasers) for property located at 4518 Southwest 33rd Street. The subject property is owned by the City of Des Moines.		File #		
		ZON2017-00002		
Description of Action	Approval of request to rezone property from "M-3" Limited Industrial District to "R1-80" One-Family Residential District to allow for development of single-family dwelling with access from Southwest 33rd Street subject to conditions.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-3" Limited Industrial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"R1-80" One-Family Residential District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	5	0		
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Brown, 4518 Southwest 33rd Street

ZON2017-00002



Updated on: 1/26/2017

1 inch = 133 feet

ZON2017-00002

Item

Date

2/9/17

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

(Circle One)

Print Name

Patrizia Wilson

Signature

Patrizia Wilson

Address

4513 SW 33rd St DSM

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

ZON2017-00002

Item

Date

2-9-17

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

(Circle One)

Print Name

BARBARA SMILEY

Signature

Barbara Smiley

Address

4420 SW 31st St.

OUTSIDE 250'

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

ZON2017-00002

Item

Date

2/9/17

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

(Circle One)

Print Name

George Davis

Signature

George Davis

Address

3124 SW 29th

SOUTHWESTERN HILLS NEIGHBORHOOD ASSOCIATION

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

The Brown Family met with
The Neighborhood Board and neighbors,
Everyone supports the zoning
change -
Southwestern Hills Neighborhood

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ZON2017-00002

Date 2/10/17

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

(Circle One)



Print Name Ryan Moffatt

Signature Ryan Moffatt

Address 4506 SW 33rd Street

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



ZON2017-00002

Date 15 February 2017

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

(Circle One)

Print Name JOHN KUNKEL

Signature J-Kunkel

Address 4512 SW 33RD ST - 50321

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

Four horizontal lines for writing the reason for opposing or approving the request.