



**Date** March 20, 2017

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

**WHEREAS**, on March 6, 2017, by Roll Call No. 17-0369, the City Council received a communication from the City Plan and Zoning Commission advising 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**, 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 locally known as 4518 Southwest 33<sup>rd</sup> Street, legally described as:

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

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 33<sup>rd</sup> Street, subject to the conditions



**Roll Call Number**

**Agenda Item Number**

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Date March 20, 2017

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stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the purchasers of the Property, which is binding upon the purchasers and their successors, heirs and assigns.

**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 rezoning of the Property to Limited "R1-80" One-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "R1-80" One-Family Residential District with conditions as set forth above, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
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

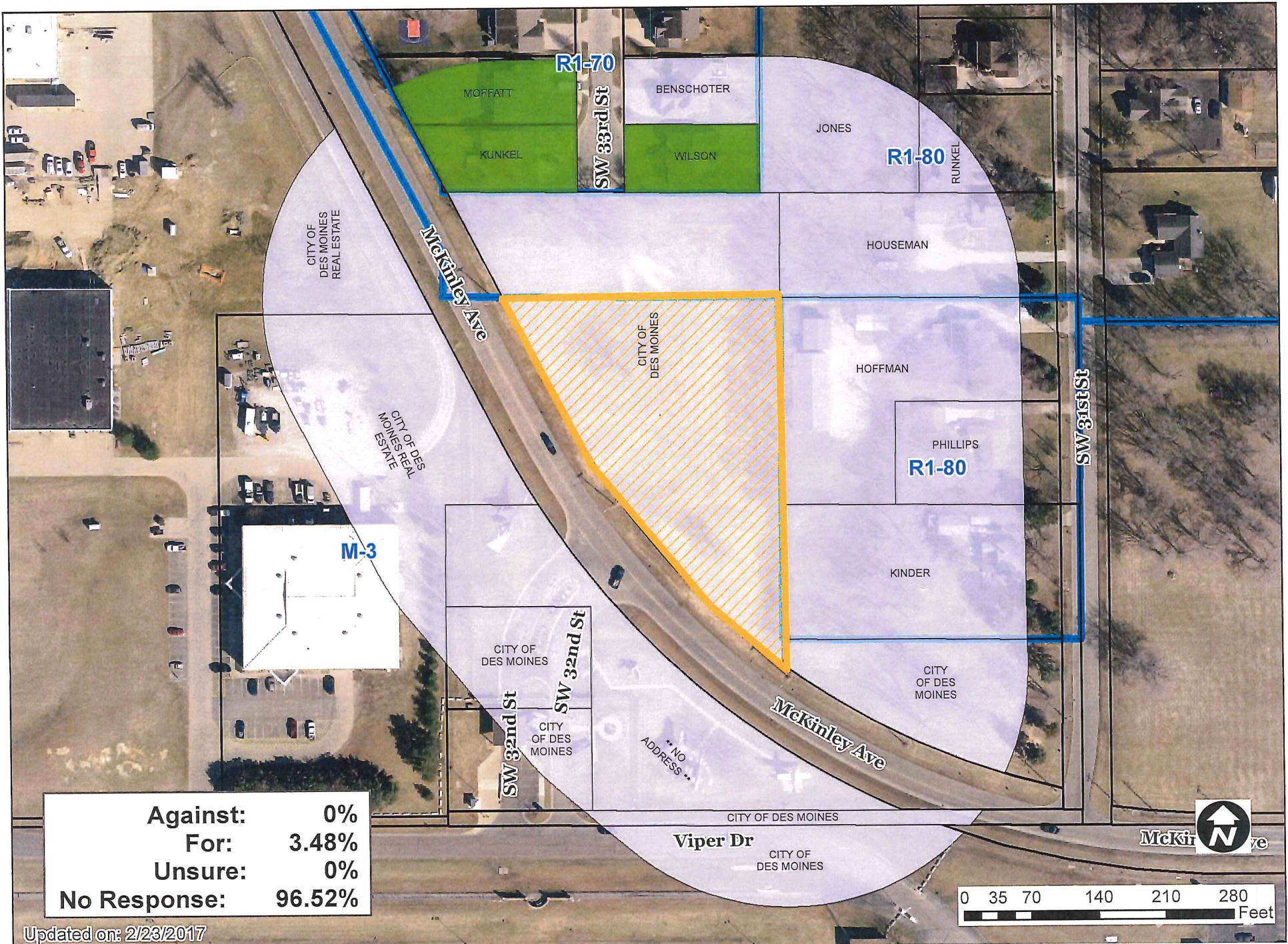
\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk



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

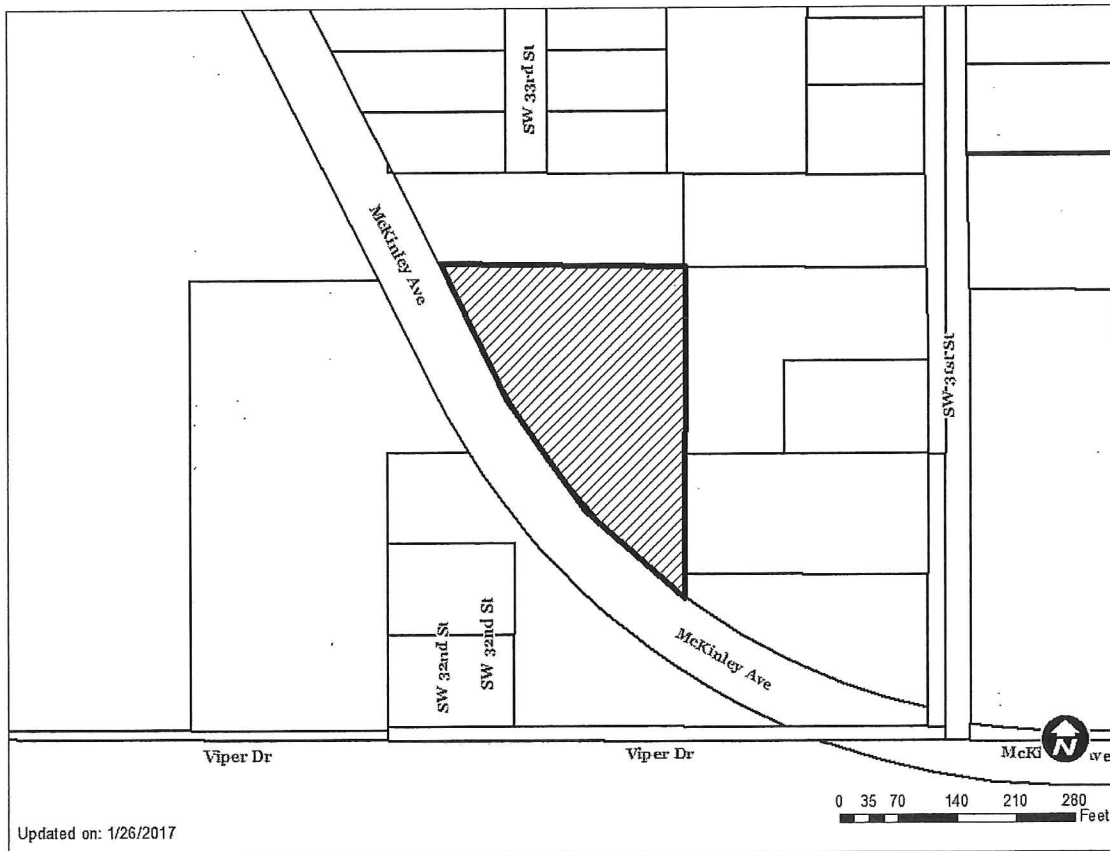
Updated on: 2/23/2017

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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	X

Brown, 4518 Southwest 33rd Street

ZON2017-00002



Updated on: 1/26/2017

1 inch = 133 feet

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 33<sup>rd</sup> 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 33<sup>rd</sup> 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
  - 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.

## 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 33<sup>rd</sup> 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 33<sup>rd</sup> 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
  - 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.

## 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:
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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

EML:clw

Attachment

ZON2017-00002

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Item

Date

2/9/17

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

(Circle One)

Print Name

Patricia Wilson

Signature

*Patricia Wilson*

Address

4513 SW 33rd Dr DSN

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)

OUTSIDE 250'

Print Name

BARBARA SMILEY

Signature

*Barbara Smiley*

Address

4420 SW 31st St.

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)

SOUTHWESTERN HILLS NEIGHBORHOOD ASSOCIATION

Print Name

George Davis

Signature

*George Davis*

Address

3124 SW 29th

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

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

ZON2017-00002

Date 2/10/17

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

(Circle One)

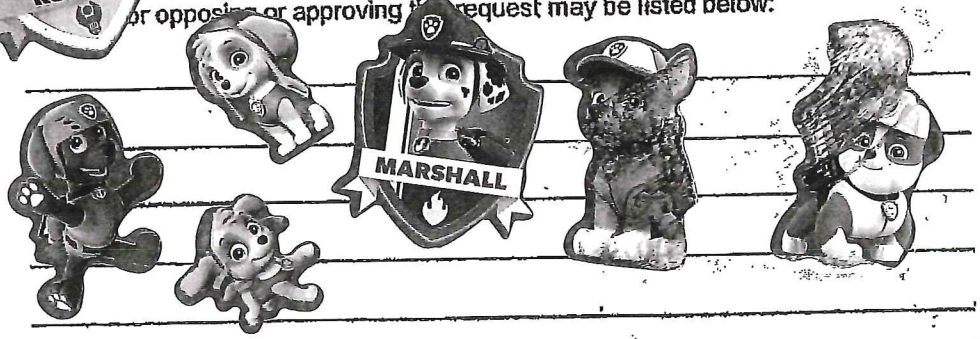


Print Name Ryan Moffatt

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.