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Date April 23, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM RM MADDEN CONSTRUCTION, INC. FOR VACATION OF RIGHT-OF-WAY LOCATED AT 1050 16TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 5, 2018, its members voted 12-0 to recommend APPROVAL of a request from RM Madden Construction, Inc. (purchaser), represented by Rick Madden (officer), for vacation of an excess parcel acquired for right-of-way purposes locally known as 1050 16th Street to allow for sale and redevelopment for a single-family dwelling, subject to recording of covenants requiring the following conditions and design standards for any dwelling constructed upon the parcel:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
- (2) Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.
- (3) Provision of a full basement.
- (4) Provision of one of the following in the rear yard of each lot:
 - a. A detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space, where a paved driveway shall be provided for vehicular access to the garage; or
 - b. A storage shed measuring at least 10 feet by 10 feet (100 square feet) that is constructed with a foundation and with siding and shingles that match the single-family dwelling, where a paved driveway shall be provided to the required paved parking space located outside of the front yard setback.
- (5) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
- (6) Any dwelling shall be constructed with either a covered front porch that is no less than 60 square feet in size or at least 1/3 of the front façade shall be clad with stone or brick masonry.
- (7) Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.
- (8) The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (9) Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
- (10) Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations.



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Agenda Item Number

Date April 23, 2018

-2-

MOVED by ________ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Lawrence R. McDowell Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
IOTION CARRIED			AP	PROVED

CERTIFICATE

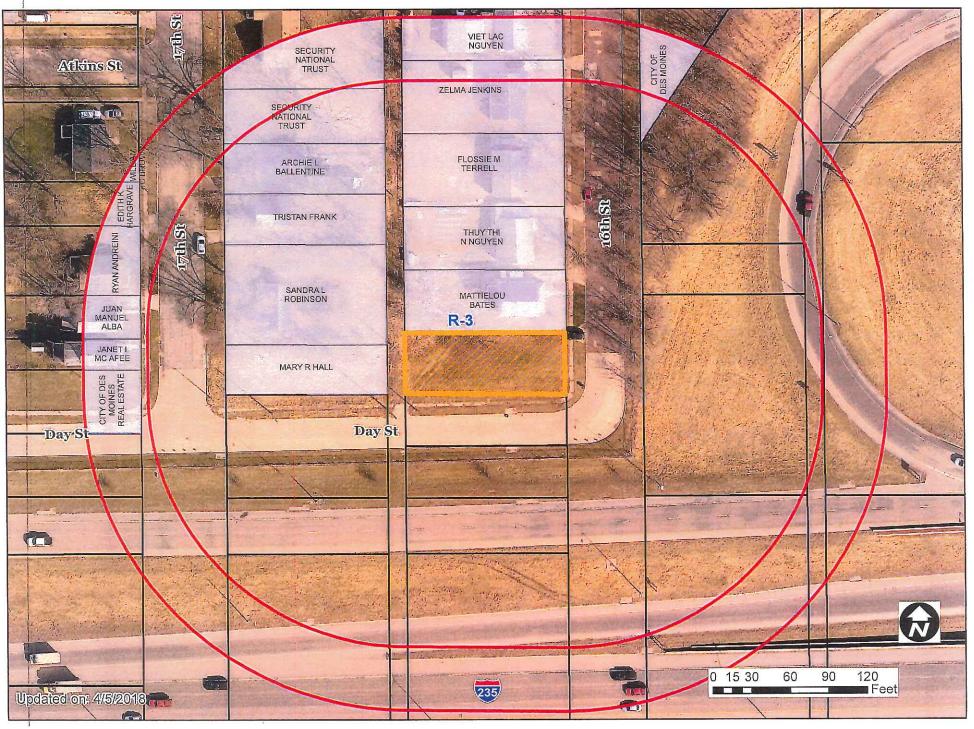
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

RM Madden Construction, Inc., 1050 16th Street

11-2018-1.05





April 18, 2018

Date Agenda Item Roll Call #_

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 5, 2018 meeting, the following action was taken regarding a request from RM Madden Construction, Inc. (purchaser) represented by Rick Madden (officer) for vacation of a parcel acquired for purposes of Right-Of-Way located at 1050 16th Street, to allow redevelopment with a single-family dwelling.

COMMISSION RECOMMENDATION:

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

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

APPROVAL of the requested vacation subject to the recording of covenants that require the following design standards for any dwelling constructed upon the property.

- 1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
- 2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.

- 3. Provision of a full basement.
- 4. Provision of one of the following in the rear yard of each lot:
 - a. A detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space, where a paved driveway shall be provided for vehicular access to the garage; or
 - b. A storage shed measuring at least 10 feet by 10 feet (100 square feet) that is constructed with a foundation and with siding and shingles that match the single-family dwelling, where a paved driveway shall be provided to the required paved parking space located outside of the front yard setback.
- 5. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
- 6. Any dwelling shall be constructed with either a covered front porch that is no less than 60 square feet in size or at least 1/3 of the front façade shall be clad with stone or brick masonry.
- 7. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.
- 8. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- 9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
- 10. Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations. (11-2018-1.05)

Written Responses 0 in Favor 0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the recording of covenants that require the following design standards for any dwelling constructed upon the property.

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

- 2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.
- 3. Provision of a full basement.
- 4. Provision of one of the following in the rear yard of each lot:
 - a. A detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space, where a paved driveway shall be provided for vehicular access to the garage; or
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- 9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
- 10. Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The proposed vacation would allow redevelopment by RM Madden Construction, Inc. for a single-family dwelling.
- 2. Size of Site: The subject property measures 50 feet by 125 feet (6,250 square feet).

- 3. Existing Zoning (site): "R-3" Multiple Family Residential District.
- Existing Land Use (site): Vacant land acquired for the Interstate 235 Right-of-Way project.
- 5. Adjacent Land Use and Zoning:

North – "R-3": Uses are single family dwellings.

South - "R-3": Uses are Day Street and Interstate 235 Right-of-Way.

East – "R-3": Use is Interstate 235 Right-of-Way.

West - "R-3": Uses are single family dwellings.

- 6. General Neighborhood/Area Land Uses: The surrounding neighborhood is primarily developed with single-family and multiple-family dwellings. The Interstate 235 and Keosauqua Way interchange is to the south and east.
- 7. Applicable Recognized Neighborhood(s): The subject property is located within the Good Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on March 19, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2018 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested rezoning and to the Good Park Neighborhood Association. A Final Agenda was mailed to all the recognized neighborhood associations on March 30, 2018.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Good Park Neighborhood Association mailings were sent to Stacey Nichols, 1129 19th Street, Des Moines, IA 50314.

- 8. Relevant Zoning History: None.
- 9. PlanDSM Land Use Plan Designation: Low Density Residential.
- **10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the lowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Utilities: There are no identified utilities within the subject property. However, an easement must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access: The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area. The subject property would be



accessed from Day Street or 16th Street. Undeveloped alley right-of-way remains to the west of the subject property.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

<u>Greg Jones</u> made a motion for approval of the requested vacation subject to the recording of covenants that require the following design standards for any dwelling constructed upon the property.

- 1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
- 2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.
- 3. Provision of a full basement.
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- 9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
- 10. Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations.

Motion passed: 12-0

Respectfully submitted,



MGL:tjh Attachments

RM Madden Construction, Inc. (purchaser) represented by Rick Madden (officer)							File #			
for located at 1050 16th Street.							11-2018-1.05			
Description of Action			parcel ac dwelling.	parcel acquired for purposes of Right-Of-Way, to allow redevelopment with a lwelling.						
PlanDSM Futu	Current: Low Density Residential. Proposed: N/A.									
Mobilizing Tor Transportatior	No planned improvements.									
Current Zoning District			"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.							
Proposed Zon	N/A.									
Consent Card Responses		In Favor		Not In Favor		Undetermined		% Opposition		
Subject Property		0		0						
Outside Area (200 feet)			ě.							
Plan and Zonin	ng	Approval		Х	Required 6/7			Yes		
Commission Action		Deni	ial			the City Council		No		х

11-2018-1.05

RM Madden Construction, Inc., 1050 16th Street

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