



Date May 21, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM SUMMER YEE SONG TO REZONE PROPERTY AT 4750 SOUTHWEST 31ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 3, 2018, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Summer Yee Song (purchaser), to rezone property locally known as 4750 Southwest 31st Street ("Property") from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District, to allow the development of a single-family dwelling, subject to the following rezoning conditions:

1. Sidewalks shall be constructed along the adjoining public street frontages with any development of a single-family dwelling.
2. Vehicular driveway access shall only be developed from Southwest 31st Street. Vehicular access to McKinley Avenue is prohibited.
3. Any single-family dwelling constructed on the subject property shall adhere to the following:
 - a. Shall be constructed to have a full basement.
 - b. Shall be constructed to have minimum 2-car attached garage.
 - c. Shall be constructed so that the front façade of any dwelling must contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
 - d. Shall be constructed to have windows on any façade facing a public street with either of the following:
 - i. Trim border not less than 4 inches in width; or
 - ii. Shutters on each side.
 - e. Shall be constructed with a roof having asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - f. Shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
 - g. Shall be constructed so that any 1½ and 2-story homes have a minimum of 1,400 square feet of above grade finished floor area.
 - h. Shall be constructed with exterior material of masonry (brick or stone), cedar, masonite, or cement fiber board.
 - i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots; and

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

THAT PART OF LOTS 2, 3, 4, AND 5 AIRPORT HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°14'58" WEST, A DISTANCE OF 156.64 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE, AS PRESENTLY ESTABLISHED, SAID POINT ALSO BEING A POINT OF CUSP ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 763.50 FEET AND A CENTRAL ANGLE OF 24°02'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 65°20'37"



Date May 21, 2018

WEST 318.12 FEET; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 320.46 FEET; THENCE NORTH 00°11'57" EAST, A DISTANCE OF 25.11 FEET; THENCE SOUTH 89°45'58" EAST, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.69 ACRES, MORE OR LESS, AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

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.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on June 11, 2018, 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

(ZON2018-00066)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

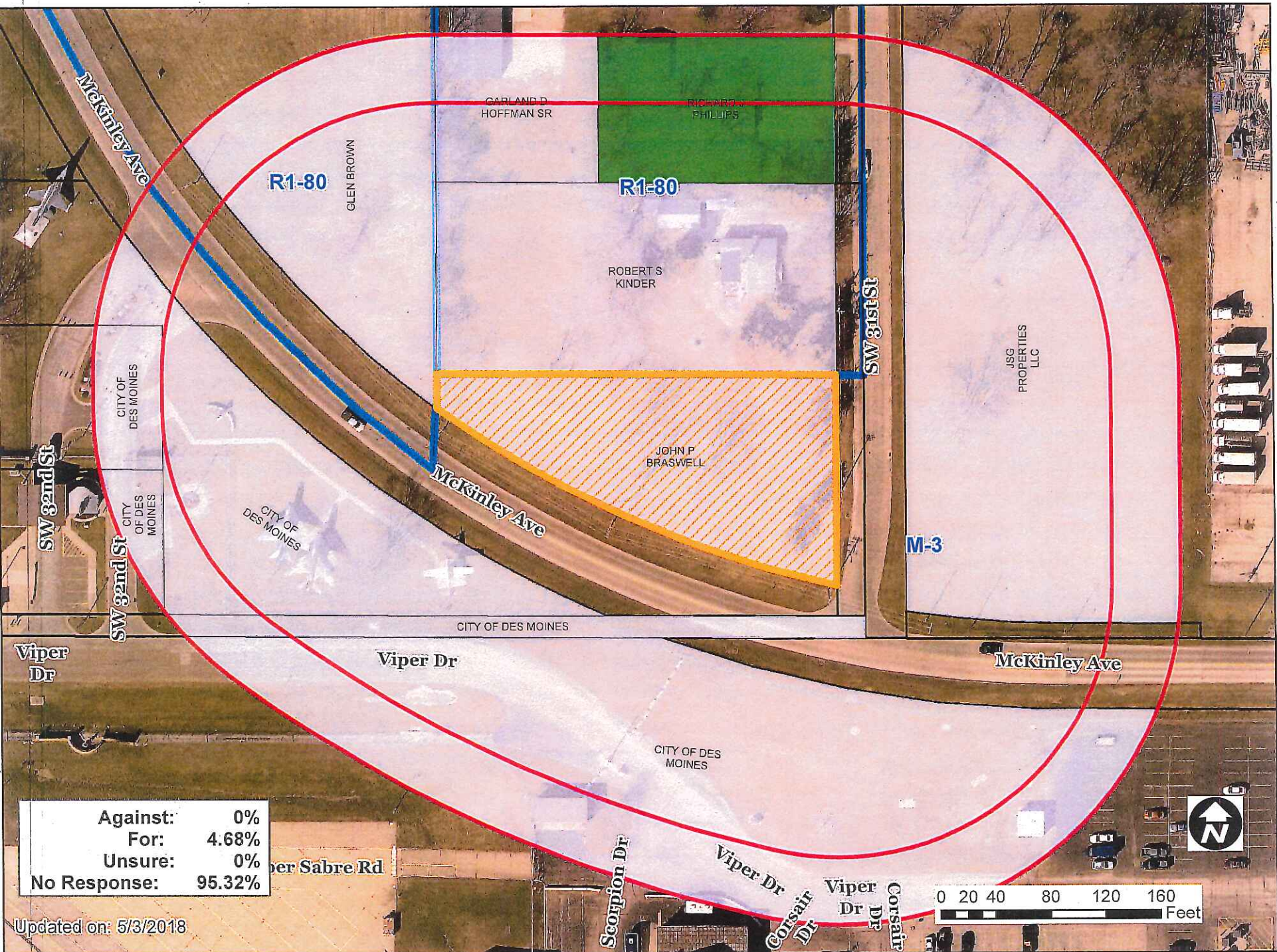
CERTIFICATE

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:	4.68%
Unsure:	0%
No Response:	95.32%

Updated on: 5/3/2018

33







33





May 16, 2018

Date May 21, 2018
 Agenda Item 33
 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 May 3, 2018 meeting, the following action was taken regarding a request from Summer Yee Song (purchaser) to rezone property located at 4750 Southwest 31st Street from "M-3" Limited Industrial District to "R1-80" One-Family Residential District, to allow the development of a single-family dwelling. The subject property is owned by John Braswell.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Chris Cutler	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 **not** in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Business Park. Part B) approval of an amendment to the Des Moines' PlanDSM: Creating Our

Tomorrow Plan future land use designation from “Business Park” to “Low Density Residential” and Part C) approval of the rezoning subject to the following conditions:

1. Sidewalks shall be constructed along the adjoining public street frontages with any development of a single-family dwelling.
2. Vehicular driveway access shall only be developed from Southwest 31st Street. Vehicular access to McKinley Avenue is prohibited.
3. Any single-family dwelling constructed on the subject property shall adhere to the following:
 - a. Shall be constructed to have a full basement.
 - b. Shall be constructed to have minimum 2-car attached garage.
 - c. Shall be constructed so that the front façade of any dwelling must contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
 - d. Shall be constructed to have windows on any façade facing a public street with either of the following:
 - i. Trim border not less than 4 inches in width; or
 - ii. Shutters on each side.
 - e. Shall be constructed with a roof having asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - f. Shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
 - g. Shall be constructed so that any 1½ and 2-story homes have a minimum of 1,400 square feet of above grade finished floor area.
 - h. Shall be constructed with exterior material of masonry (brick or stone), cedar, masonite, or cement fiber board.
 - i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots.

(21-2018-4.08) & (ZON2018-00066)

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of Business Park.

Part B) Staff recommends approval of an amendment to the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation from “Business Park” to “Low Density Residential”.

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

1. Sidewalks shall be constructed along the adjoining public street frontages with any development of a single-family dwelling.
2. Vehicular driveway access shall only be developed from Southwest 31st Street. Vehicular access to McKinley Avenue is prohibited.
3. Any single-family dwelling constructed on the subject property shall adhere to the following:
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 - h. Shall be constructed with exterior material of masonry (brick or stone), cedar, masonite, or cement fiber board.
 - i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots.

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 31st Street. On January 8, 2018 the City Council authorized the sale of the deed for the property to the current owner as excess property subject to Noise and Avigation Easements and utility easements.
2. **Size of Site:** 30,056 square feet (0.69 acres).
3. **Existing Zoning (site):** "M-3" Limited Industrial District.
4. **Existing Land Use (site):** Undeveloped vacant land.

5. Adjacent Land Use and Zoning:

North - "R1-80", Uses are single-family dwellings.

South - "M-3"; Use is the Des Moines International Airport.

East - "M-3"; Use is a warehouse and distribution center.

West - "M-3" & "R1-80"; Uses are the Des Moines International Airport and vacant land.

6. **General Neighborhood/Area Land Uses:** The subject property is within a transition area between the Des Moines International Airport to the south, specialized industrial development ancillary to the airport to the east, and a low-density, single-family residential neighborhood to the north.

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 Preliminary Agenda on April 13, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on April 13, 2018 (20 days prior to the public hearing) and April 23, 2018 (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. A Final Agenda was mailed to recognized neighborhoods on April 27, 2018.

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 April 19, 2018. They also reported at the regular meeting of the Southwestern Hills Neighborhood on April 16, 2018. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** N/A.

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 "Business Park" on the Future Land Use Map, which is described as "Accommodates light industrial,

office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.”

The proposed “R1-80” District would not be compatible with this designation. Therefore, an amendment to “Low Density Residential” is requested, which is described as “areas developed with primarily single family and two family residential units with up to 6 units per net acre.” Staff believes that the size of the property does not lend itself to the scale of “Business Park” development and would be more appropriately developed with single-family residential development to be compatible with adjoining property. Therefore, staff concurs with the requested amendment.

2. **Utilities:** All necessary utilities are available within either the Southwest 31rd Street of McKinley Avenue Rights-Of-Way (ROW) to the east and south.
3. **Streets and Access:** McKinley Avenue accommodates commercial traffic volumes and higher speed traffic. Therefore, Traffic Engineering Staff has recommended that vehicular access to the subject property should only be permitted from Southwest 31st Street for any development.

Additionally, based on the “complete streets” policy of the City, it is recommended that sidewalks be constructed on both public street frontages with development of any single-family dwelling. There are not public sidewalks on any immediately adjoining properties. However, there are segments of public sidewalk on residential properties within the same block frontage to the north. It is the goal of the policy that public sidewalk would be constructed incrementally over time as required with development or with assessed projects resulting in continuous public sidewalks.

4. **Drainage/Grading:** Any development of the site must comply with all applicable Building Codes with issuance of all necessary permits by the City’s Permit and Development Center.
5. **Urban Design:** Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining single-family residential development:
 - 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:

John "Jack" Hilmes made a motion for approval of Part A) to find the proposed rezoning **not** in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Business Park. Part B) approval of an amendment to the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation from "Business Park" to "Low Density Residential" and Part C) approval of the rezoning subject to the following conditions:

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- i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots.

Motion Passed: 12-0

Respectfully submitted,



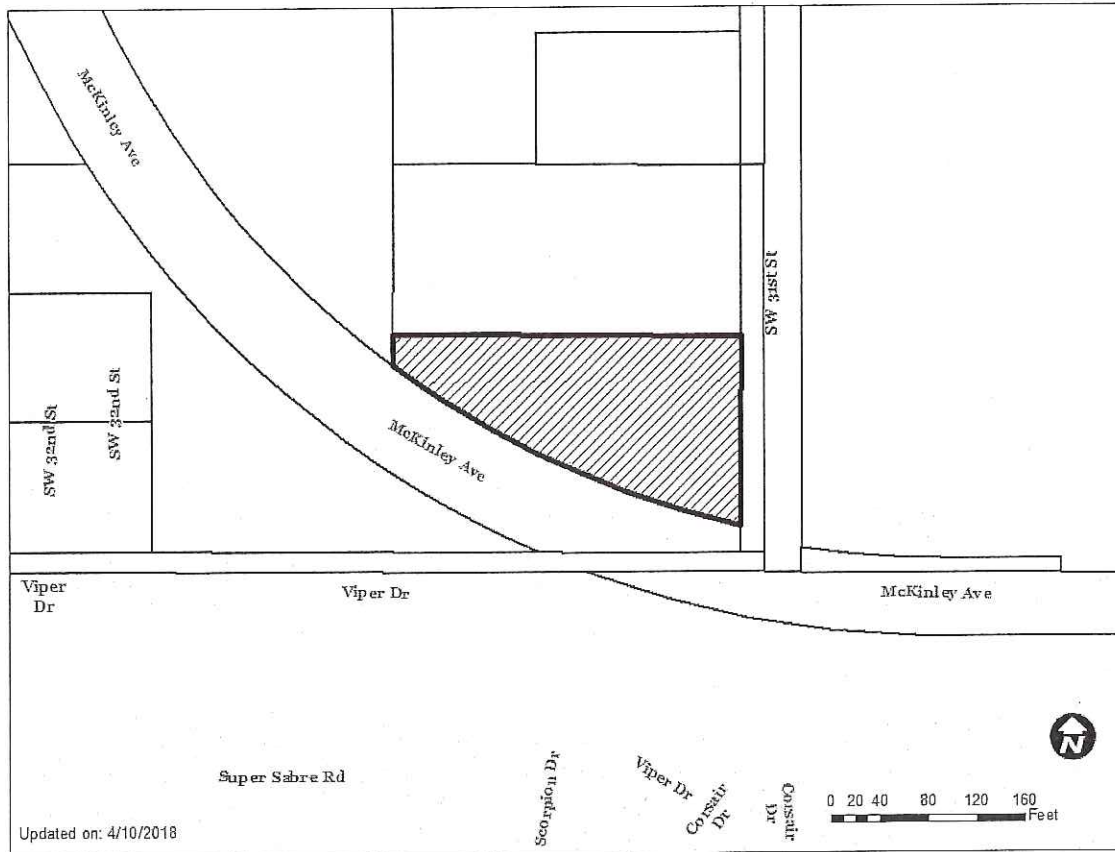
Michael Ludwig, AICP
Planning Administrator

EML:tjh

Summer Yee Song (purchaser) for property located at 4750 Southwest 31st Street. The subject property is owned by John Braswell.			File #	
			21-2018-4.08	
Description of Action	Amend the existing PlanDSM Creating Our Tomorrow future land use designation from Business Park to Low Density Residential.			
PlanDSM Future Land Use	Current: Business Park. Proposed: Low Density Residential.			
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
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Summer Yee Song, 4750 Southwest 31st Street

21-2018-4.08

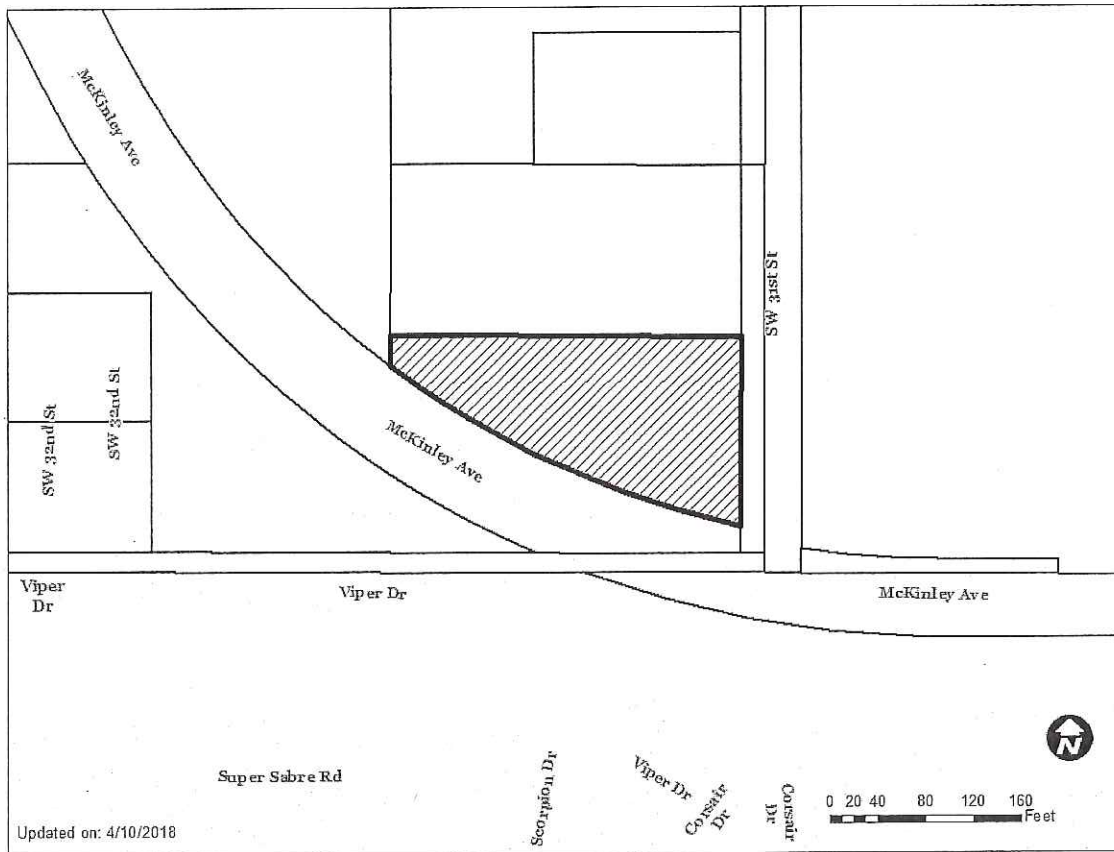


1 inch = 93 feet

Summer Yee Song (purchaser) for property located at 4750 Southwest 31st Street. The subject property is owned by John Braswell.		File #		
		ZON2018-00066		
Description of Action	Rezoning from "M-3" Limited Industrial District to "R1-80" One-Family Residential District, to allow the development of a single-family dwelling.			
PlanDSM Future Land Use	Current: Business Park. Proposed: Low Density Residential.			
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
Subject Property	2	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Summer Yee Song, 4750 Southwest 31st Street

ZON2018-00066



Updated on: 4/10/2018

1 inch = 93 feet

ZON2018-00066

Item

Date April 25th 2018

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

33

(Circle One)

COMMUNITY DEVELOPMENT

Print Name Richard Phillips

Signature Richard Phillips

MAY 01 2018

Address 4610 SW 31st

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

GREAT IDEA. A NEW HOUSE AT THAT LOCATION WOULD BE A WONDERFUL ADDITION TO THE NEIGHBORHOOD.

ZON2018-00066

Item

Date 4-24-18

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

SOUTHWESTERN HILLS NEIGHBORHOOD ASSOCIATION

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name George Davis

Signature [Signature]

MAY 03 2018

Address 3124 SW 29th

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

No Sorry meant with Southwestern Hills Board and we approve