



Date September 23, 2019

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST TO REZONE PROPERTY LOCATED IN THE VICINITY OF 150 EAST COUNTY LINE ROAD**

WHEREAS, on September 5, 2019, by Roll Call No. 19-1398, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 5, 2019, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone real property in the vicinity of 150 East County Line Road ("Property") to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017 and the Acceptance of Rezoning Conditions related thereto, subject to the following conditions:

- (1) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development, and shall comply with the City's street tree policies.
- (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- (3) No same house plan shall be built on adjacent lots.
- (4) Each house shall have a full basement.
- (5) Each house shall have a minimum two-car attached garage.
- (6) 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. Stone or brick masonry siding covering at least 1/3 of the façade.
- (7) All windows and doors shall have trim that is no less than 4-inches in width.
- (8) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (9) Single story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as 48-51 on final plat, shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- (10) 1½ story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24 also known as Lots

**Date** September 23, 2019

- 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.
- (11) 2 story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area. 2 story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above grade finished floor area.
  - (12) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
  - (13) Any chain link fence shall have black vinyl-cladding.
  - (14) Provision of a trail providing pedestrian access to Fort Des Moines Park; and

**WHEREAS**, on September 9, 2019, by Roll Call No. 19-1398, it was duly resolved by the City Council that the City-initiated request to rezone the Property be set down for hearing on September 23, 2019 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 locally known as 150 East County Line Road, legally described as:

LOTS 1 - 51, A, B, C, AND D, AND OUTLOTS X, Y, AND Z IN PARKSIDE ESTATES PLAT 1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017, subject to the conditions set forth above.





Date September 23, 2019

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 correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

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

FORM APPROVED:

Glenna K. Frank (handwritten signature)

Glenna K. Frank, Assistant City Attorney

(ZON2019-00157)

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.

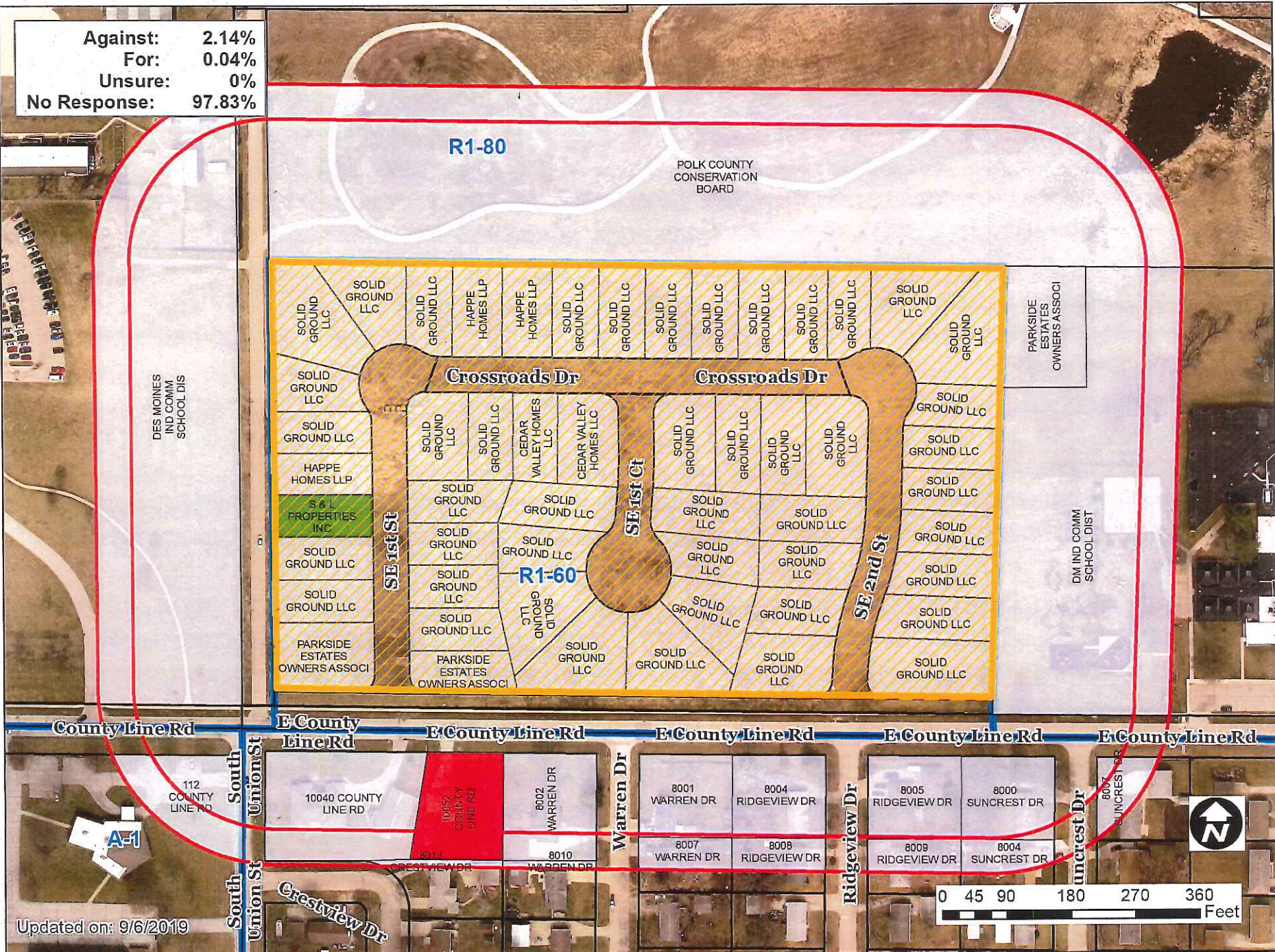
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ Mayor

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



Against: 2.14%  
 For: 0.04%  
 Unsure: 0%  
 No Response: 97.83%



Updated on: 9/6/2019

1 inch = 179 feet

59





September 16, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 5, 2019 meeting, the following action was taken regarding a City initiated request to rezone property in the vicinity of 150 East County Line Road to amend conditions required by Ordinance No. 15, 592. The subject property is owned by Solid Ground, LLC; Cedar Valley Homes, LLC; Happe Homes, LLP; S&L Properties, Inc., Jerry's Homes, Inc., Homes by Fleetwood, LLC and Parkside Estates Owners Association.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
Abby Chungath	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			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of the initiated amendments to the Zoning Conditions.

(ZON2019-00157)

Written Responses

2 in Favor

1 in Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the initiated amendments to the Zoning Conditions.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

- 1. Purpose of Request:** The City has initiated a proposed amendment to the conditions listed in Ordinance No. 15, 592 adopted at the time of the rezoning of the subject property in 2017. As development has occurred recently there has been a conflict in the language of the conditions applicable to minimum area for 2-Story dwellings. In addition to the overall minimum area being required to be 1,500 square feet for lots in the southern portion of the development and 1,600 square feet for lots in the northern portion of the development, there is also a provision that the first floor be a minimum of 1,000 square. After reviewing with staff and the developer, it is believed that this provision was included inadvertently with the 2-story dwelling requirements during the approval process of the Ordinance by the City Council. While it is listed similarly to the 1 ½-story requirement, the net result would require a minimum 2,000 square foot dwelling in any case for a 2-story dwelling. Therefore, staff is recommending that this provision be stricken from the requirements for 2-story dwellings.

Separately, as construction is underway, it has been discovered that a shallow high-pressure gas line and data cables are interfering with the ability to safely spade in street trees between the sidewalk and the street as required by the conditions. While during the Preliminary Plat stage it appeared that these utilities would not conflict, the on-site work has revealed that these utilities are shallow and more centered on the area where the trees were intended to be planted. An alternate location north of the sidewalk within the Right-Of-Way is still workable. City Forester has reviewed and approved the alternate locations. The modification to the Ordinance conditions would need to remove the specificity of the locations for the street trees to be between the sidewalk and the street.

- 2. Size of Site:** 14.738 acres or 642,003 square feet.
- 3. Existing Zoning (site):** Limited "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Sign Overlay District.
- 4. Existing Land Use (site):** Land under development for single-family subdivision.



## 5. Adjacent Land Use and Zoning:

**North** - "R1-80"; Use is Fort Des Moines Park.

**South** – Warren County "R-2"; Use is a rural subdivision of single-family dwellings.

**East** - "R1-80"; Use is Studebaker Elementary School.

**West** - "R1-80"; Use is McCombs Middle School.

- 6. General Neighborhood/Area Land Uses:** The area generally consists of educational and low-density single-family residential uses. It is located on East County Line Road between McCombs Middle School to the west and Studebaker Elementary School to the east.
- 7. Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. However, all recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on November 30, 2017. Notifications of the hearing for this specific item were mailed on December 1, 2017 (10 days prior to the public hearing) 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 the neighborhood associations on December 15, 2017.
- 8. Relevant Zoning History:** The City Council rezoned the property to Limited "R1-60" One-Family Low-Density Residential District on June 26, 2017 by Ordinance No. 15,592.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low/Medium Density Residential.
- 10. Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to amend Zoning Ordinance conditions. The recommendation of the Commission is forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

- 1. Conditions:** Staff has submitted the original conditions to be amended with the following strikeouts as indicated below.
- (1) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development. ~~The trees shall be located between the street curb and the public sidewalk, shall be spaced 30 feet on center, and shall comply with the City's street tree policies.~~
  - (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
  - (3) No same house plan shall be built on adjacent lots.
  - (4) Each house shall have a full basement.
  - (5) Each house shall have a minimum two-car attached garage.
  - (6) 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. Stone or brick masonry siding covering at least 1/3 of the façade.
- (7) All windows and doors shall have trim that is no less than 4-inches in width.
- (8) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (9) Single story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- (10) 1½ story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.
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- (12) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- (13) Any chain link fence shall have black vinyl-cladding.
- (14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

After converting the previous Conceptual Plan lot number to “also known as” lots on the approved Final Plat for the property, the approved conditions would therefore read as follows:

- (1) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development, and shall comply with the City’s street tree policies.
- (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
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- (14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

## **SUMMARY OF DISCUSSION**

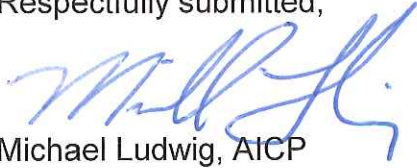
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

## **COMMISSION ACTION:**

Will Page made a motion for approval of the initiated amendments to the Zoning Conditions.

Motion Carried: 11-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Ludwig', is written over the typed name.

Michael Ludwig, AICP  
Planning Administrator

MGL:tjh



City initiated request for property in the vicinity of 150 East County Line Road The subject property is owned by Solid Ground, LLC; Cedar Valley Homes, LLC; Happe Homes, LLP; S&L Properties, Inc., Jerry's Homes, Inc., Homes by Fleetwood, LLC and Parkside Estates Owners Association.				File # ZON2019-00157
Description of Action	Rezone to amend conditions required by Ordinance No. 15, 592.			
Plan/DSM Future Land Use	Current: Low-Medium Density Residential Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	Limited "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses Outside Area (200 feet)	In Favor 2	Not In Favor 1	Undetermined	% Opposition
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, Vicinity of 150 East County Line Road

ZON2019-00157





Item \_\_\_\_\_ Date 8-30-19

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

(Circle One)

Print Name NORMA J Wilson

RECEIVED  
COMMUNITY DEVELOPMENT

Signature Norma J. Wilson

SEP 05 2019

Address 10052 County Line Rd 19, M.Da  
50320

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

First I didnt think the land should have been  
taken from all the kids that used it for ball games  
right between 2 schools.  
Then he changed it from 80 ft lots to 60 ft so he  
could get more houses in there, what are they going  
to come up with next?

Item ZON2019-00157 Date 8-30-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name Steve Bennett

S&L PROPERTIES

Signature Steve Bennett

SEP 05 2019

Address 6779 Sunset Terrace

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2019-1.20

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name

Signature

Address

SEP 03 2019

1807 Ilgersoll Ave \*

1812 N. 2nd St

Date 8/28/19

Frank Marsovic

Lot Properties LLC

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

this is the last remaining public part of  
the alley