



Date October 14, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM WALTER AND KELLY LAURIDSEN TO REZONE PROPERTY LOCATED AT 2725 SOUTHWEST 30<sup>TH</sup> STREET**

**WHEREAS**, on September 23, 2019, by Roll Call No. 19-1488, 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 request from Walter and Kelly Lauridsen (purchasers), to rezone property located at 2725 Southwest 30<sup>th</sup> Street (“Property”) from “M-3” Limited Industrial District to Limited “R1-80” One-Family Residential District, to allow for development of the Property with a single-family dwelling, subject to the following conditions:

1. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30<sup>th</sup> Street to the satisfaction of the Planning Administrator.
2. Any dwelling constructed shall have a full basement.
3. Any dwelling constructed shall have minimum 2-car garage.
4. 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.
5. Any dwelling constructed shall have trim around all windows on all facades that is a minimum of 4 inches (nominal) wide and shall have pre-hung exterior doors with trim.
6. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
7. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
8. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
9. Exterior material for any dwelling constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
10. Any chain link fence shall have black vinyl-cladding.
11. 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; and

**WHEREAS**, on September 23, 2019, by Roll Call No. 19-1488, it was duly resolved by the City Council that the application from Walter and Kelly Lauridsen to rezone the Property be set down for hearing on October 14, 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 located at 2725 Southwest 30<sup>th</sup> Street, legally described as:

ALL OF THE NE ¼ OF THE SE ¼ OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5<sup>TH</sup> P.M., LYING NORTH OF THE CHICAGO, BURLINGTON, & QUINCY RAILWAY AND



Date October 14, 2019

EAST OF SW 30TH STREET (EXCEPT THE NORTH 5.24 1/2 CHAINS, ALSO EXCET THE FOLLOWING: COMMENCING AT A POINT ON THE EAST LINE OF SW 30TH STREET, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, 531 SOUTH AND 841.5 FEET WEST OF THE NE CORNER OF THE SE 1/4 OF SECTION 18, TOWNSHIP 78, RANGE 24, WEST OF THE 5TH P.M., THENCE SOUTH ALONG THE EAST LINE OF SW 30TH STREET, 294.3 FEET TO THE NORTHERLY SIDE OF THE CHICAGO, BURLINGTON & QUINCY RAIROAD RIGHT-OF-WAY, THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTHERLY SIDE OF THE CHICAGO, BURLINGTON & QUINCY RAILROAD RIGHT-OF-WAY ON A LEFT CURVE HAVING A RADIUS OF 2827.4 FEET A DISTANCE OF 151.5 FEET, THENCE NORTH 282 FEET TO A POINT 529 FEET SOUTH OF THE NORTH LINE OF SAID SE 1/4, THENCE WESTERLY 150.9 FEET TO PLACE OF BEGINNING.)

from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District, to allow for development of the Property with a single-family dwelling subject to the conditions set forth above.

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, as legally described above, to Limited "R1-80" One-Family 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, Assistant City Attorney

(ZON2019-00156)

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

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.

MOTION CARRIED APPROVED Mayor

City Clerk



Date October 14, 2019  
 Agenda Item 65B  
 Roll Call # \_\_\_\_\_

September 17, 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 request from Walter and Kelly Lauridsen (purchasers) to rezone the property located at 2725 Southwest 30<sup>th</sup> Street from "M-3" Limited Industrial District to "R1-80" One-Family Residential District to allow development of the property with a single-family dwelling. The subject property is owned by August Home Publishing Company.

**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			X
Carolyn Jenison				
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of Part A) the Commission find the requested rezoning to "R1-80" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan designation of Business Park, **APPROVAL** of Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Business Park to Low Density Residential and

**APPROVAL** of Part C) rezoning to "R1-80" One-Family Residential District, subject to the following conditions:

1. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30<sup>th</sup> Street to the satisfaction of the Planning Administrator.
2. Any dwelling constructed shall have a full basement.
3. Any dwelling constructed shall have minimum 2-car garage.
4. 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.
5. Any dwelling constructed shall have trim around all windows on all facades that is a minimum of 4 inches (nominal) wide and shall have pre-hung exterior doors with trim.
6. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
7. Any single-story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
8. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
9. Exterior material for any dwelling constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
10. Any chain link fence shall have black vinyl-cladding.
11. 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.

(ZON2019-00156)

Written Responses

8 in Favor

0 in Opposition

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

Part A) Staff recommends that the Commission find the requested rezoning to "R1-80" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan designation of Business Park.

Part B) Staff recommends that that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Business Park to Low Density Residential.

Part C) Staff recommends approval of rezoning to "R1-80" One-Family Residential District, subject to the following conditions:

1. Any dwelling constructed shall have a front door or an entry presence facing Southwest 30<sup>th</sup> Street to the satisfaction of the Planning Administrator.
2. Any dwelling constructed shall have a full basement.
3. Any dwelling constructed shall have minimum 2-car garage.
4. 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
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9. Exterior material for any dwelling constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
10. Any chain link fence shall have black vinyl-cladding.
11. 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.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to rezone the subject property to allow development with a single-family dwelling.
2. **Size of Site:** 6.470 acres (281,833 square feet).
3. **Existing Zoning (site):** "M-3" Limited Industrial District, "PUD" Planned Unit Development, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.

4. **Existing Land Use (site):** Former test garden and structures and agricultural cultivation.

5. **Adjacent Land Use and Zoning:**

**North** – “M-3”: Uses are an office building, single-family residential, and undeveloped land.

**South** - “PUD”: Uses are single-family residential (bi-attached dwellings).

**East** - “M-3”: Uses are vacant land and single-family residential.

**West** - “M-3” and “R1-80”: Uses are vacant office and warehouse and public open space and recreational fields.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of Southwest 30<sup>th</sup> Street and south of George Flagg Parkway. The area consists of a mix of industrial, commercial, public/open space, and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agendas on August 16, 2019 and the Final Agendas on August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 16, 2019 (20 days prior to the public hearing) and August 26, 2019 (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 notices were mailed to George Davis, 3124 Southwest 29<sup>th</sup> Street, Des Moines, IA 50321.

The applicant was required to hold a neighborhood meeting and will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** None.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Business Park and Low Density Residential.

10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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 proposed rezoning to the "R1-80" One-Family Residential District requires that the future land use designation be revised to Low Density Residential land use designation. The Plan defines this designation as "Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre." Amending the portion of the property designated as Business Park to Low Density Residential would allow the property to conform with the future development. Staff believes that it is appropriated to amend the designation for this property since it adjoins a Low-Density Residential designation to the south.
2. **Street Access:** The subject property has 129 feet of frontage on Southwest 30<sup>th</sup> Street.
3. **Site Composition:** The subject property consists of land utilized for agricultural cultivation and a former test garden. Staff notes that the existing former test garden extends onto the adjacent property at 2777 Southwest 30<sup>th</sup> Street. Any retention of the portion of the test garden on the property at 2725 Southwest 30<sup>th</sup> Street should include a cross-access easement.
4. **Utilities:** Existing storm sewer manhole and conduit are located on the subject property on an east/west line approximately 130 feet south of the north property line. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. Staff notes that structures may not be constructed within any easement.  
  
Water utilities are available within the west side of the Southwest 30<sup>th</sup> Street right-of-way. Staff notes that access to water utilities would require boring under the existing street infrastructure.
5. **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.
6. **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 front door or an entry presence facing Southwest 30<sup>th</sup> Street to the satisfaction of the Planning Administrator
  - b. Any dwelling constructed shall have a full basement.
  - c. Any dwelling constructed shall have minimum 2-car garage.
  - d. 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.
  - e. 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.

- f. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g. Any single-story home shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- h. Any 1½ and 2-story homes shall be constructed with a minimum of 1,600 square feet of above grade finished floor area.
- i. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- j. Any chain link fence shall have black vinyl-cladding.

### **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 Part A) the Commission find the requested rezoning to "R1-80" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan designation of Business Park, **APPROVAL** of Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Business Park to Low Density Residential and **APPROVAL** of Part C) rezoning to "R1-80" One-Family Residential District, subject to the following conditions:

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10. Any chain link fence shall have black vinyl-cladding.

11. 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.

Motion Carried: 11-0

Respectfully submitted,

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

Michael Ludwig, AICP  
Planning Administrator

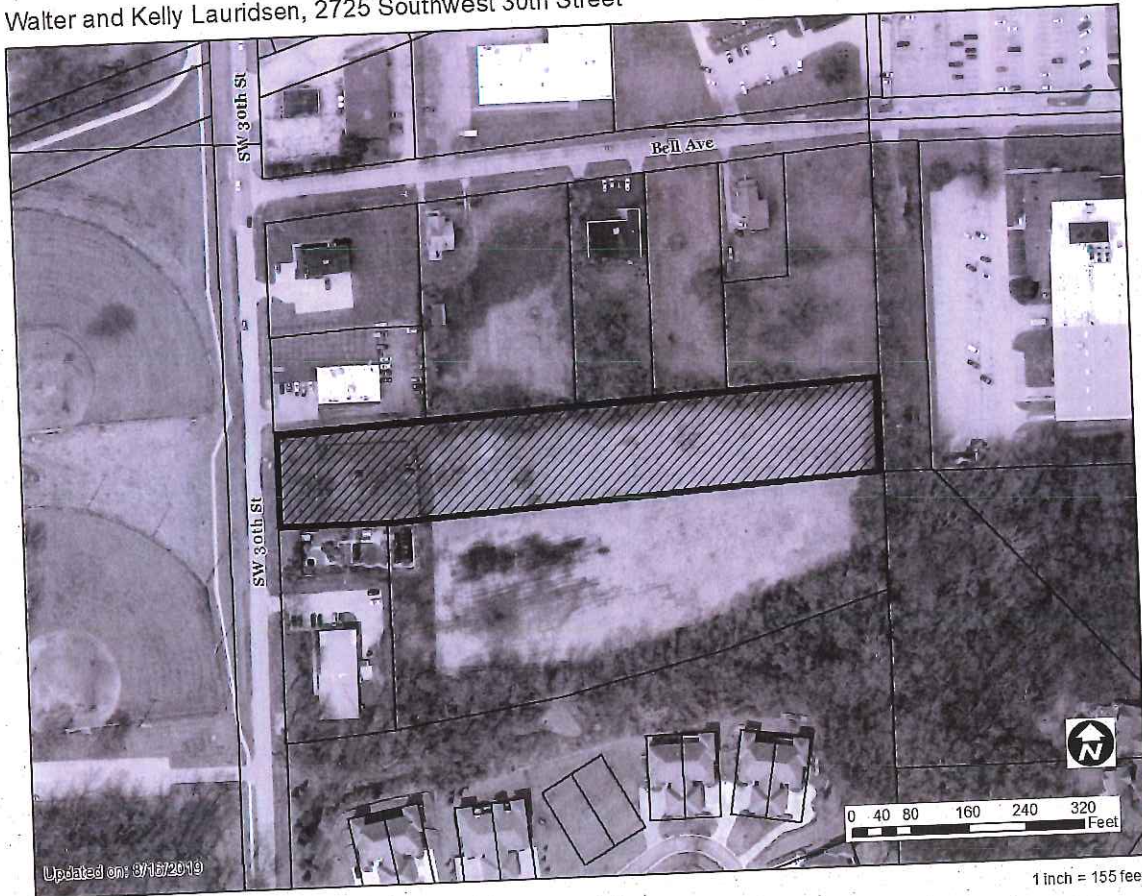
MGL:tjh

65B

Walter and Kelly Lauridsen (purchasers) for the property located at 2725 Southwest 30th Street. The subject property is owned by August Home Publishing Company.		File #		
		21-2019-4.16		
Description of Action	Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Business Park to Low Density Residential.			
PlanDSM Future Land Use	Current: Business Park and Low Density Residential. 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	N/A.			
Consent Card Responses Outside Area (200 feet)	In Favor	Not In Favor	Undetermined	% Opposition
	0	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Walter and Kelly Lauridsen, 2725 Southwest 30th Street

21-2019-4.16



65B

Walter and Kelly Lauridsen (purchasers) for the property located at 2725 Southwest 30th Street. The subject property is owned by August Home Publishing Company.		File # ZON2019-00156		
Description of Action	Rezone property from "M-3" Limited Industrial District to "R1-80" One-Family Residential District to allow development of the property with a single-family dwelling.			
PlanDSM Future Land Use	Current: Business Park and Low Density Residential. 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	N/A.			
Consent Card Responses Outside Area (200 feet)	In Favor	Not In Favor	Undetermined	% Opposition
	8	0		
Within Subject Property		Required 6/7 Vote of the City Council		Yes
Plan and Zoning Commission Action	Approval	X		
	Denial			X

Walter and Kelly Lauridsen, 2725 Southwest 30th Street

ZON2019-00156



1 inch = 157 feet

Walter and Kelly Lauridsen, 2725 Southwest 30th Street

21-2019-4.16



Updated on: 3/16/2019

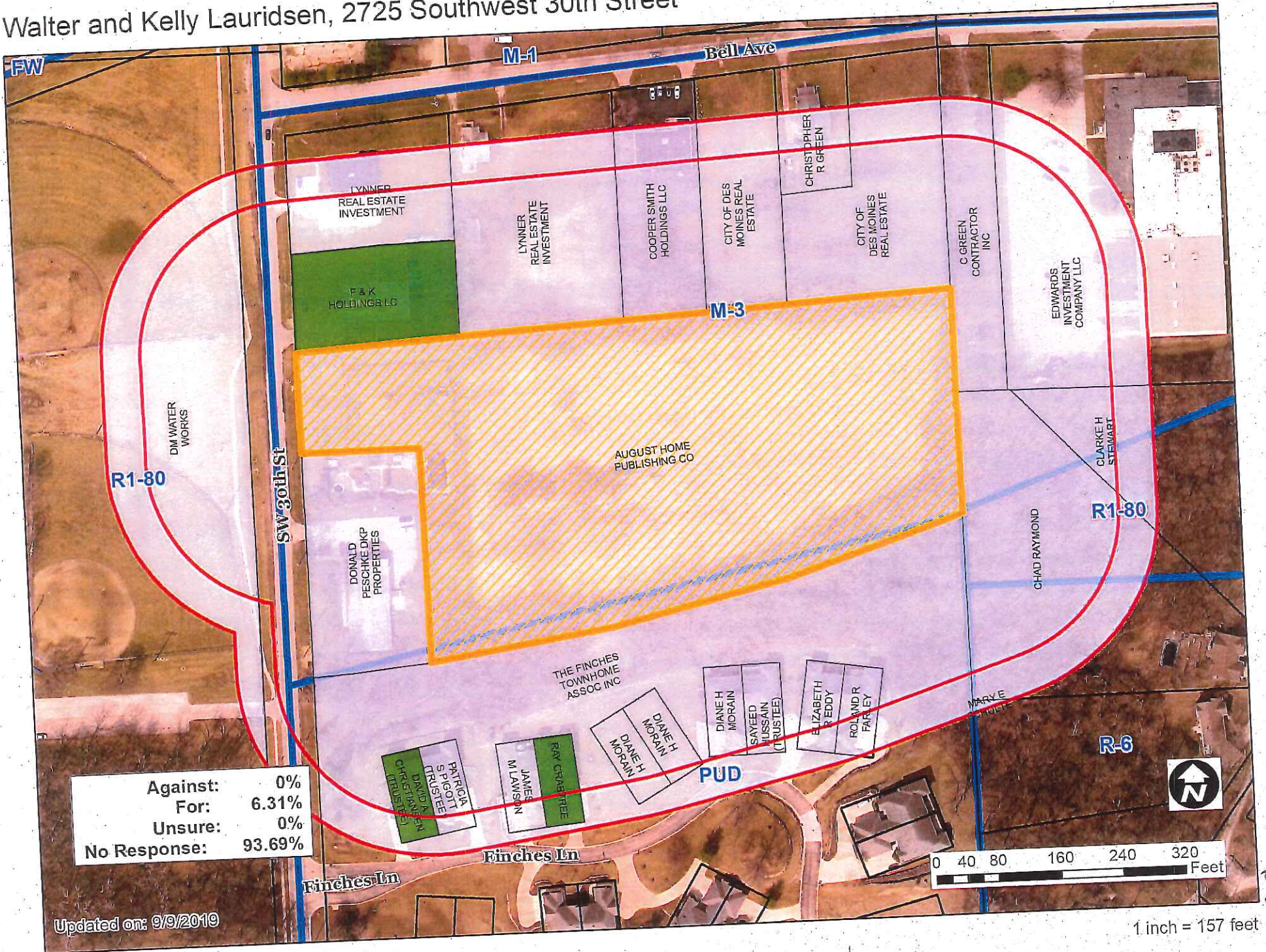
0 40 80 160 240 320 Feet

1 inch = 155 feet

BSB

Walter and Kelly Lauridsen, 2725 Southwest 30th Street

ZON2019-00156



Against:	0%
For:	6.31%
Unsure:	0%
No Response:	93.69%

Updated on: 9/9/2019

1 inch = 157 feet

W5B

Item ZON2019-00156

Date 8-28-19 WSB

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

**NOT REGISTERED AGENT**

(Circle One)

**RECEIVED  
COMMUNITY DEVELOPMENT**

**SEP 05 2019**

Print Name KURT JOHNSON

Signature Kurt Johnson

Address 2200 GRAND AVE

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

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

Item ZON2019-00156

Date 8-28-19

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

**NOT REGISTERED AGENT**

(Circle One)

**RECEIVED  
COMMUNITY DEVELOPMENT**

**SEP 05 2019**

Print Name KURT JOHNSON

Signature Kurt Johnson

Address 2150 GRAND AVE

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

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

699

Item \_\_\_\_\_  
 (am) (am not) in favor of the request.  
(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 05 2019

Print Name RAY S. CRABTREE  
Signature [Signature]  
Address 2813 SW 30th St

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

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

Item ZON2019-00156

Date 8-28-2019

(am) (am not) in favor of the request.  
(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 03 2019

Print Name Alan Kincheloe, Member FZK Hold  
Signature [Signature]  
Address 2721 SW 30th St, DSM

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

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

Item ZON2019-00156

Date 9/29/19

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

Cooper Smith Holdings LLC

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 03 2019

Print Name Sally Cooper Smith  
Signature [Signature]  
Address 2870 Bill

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

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

65B

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 12 2019

Print Name Rachel Stauffer & Jim Law

Signature Rachel Stauffer

Address 2811 SW 30<sup>th</sup> St.

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

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

ZON2019-00156

Date 8-29-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 06 2019

Print Name David A. Christiansen

Signature David A. Christiansen

Address 2803 SW 30<sup>th</sup> St. DM 50

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

The August Home Building and garden has been allowed to deteriorate, which detracts from the neighborhood.

ZON2019-00156

Date 9-28-19

SOUTHWESTERN HILLS NEIGHBORHOOD ASSOCIATION

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 03 2019

Print Name Scott Davis

Signature Scott Davis

Address 3124 SW 29<sup>th</sup>

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

The Southwestern Hills Neighborhood Association support the change to zone R-180 for the building of one residential home