



Date October 18, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM GUSTAVO CARRILLO CARRILLO TO REZONE PROPERTY LOCATED IN THE VICINITY OF 1040 EAST COUNTY LINE ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Gustavo Carrillo Carrillo (owner) to rezone real property located in the vicinity of 1040 East County Line Road ("Property") from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling; and

WHEREAS, the Property is legally described as follows:

Parcel L Book 9084, Page 853, the West 1/2 of Southeast 1/4 of Section 34, Township 78, North Range 24, an Official Plat, now included and forming a part of the City of Des Moines, Polk County, Iowa.

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, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 1, 2021.
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.

FORM APPROVED:

MOVED BY _____ TO ADOPT.

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000028)

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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

Date October 18, 2021

Agenda Item 16

Roll Call # _____

October 12, 2021

Communication from the City Plan and Zoning Commission advising that at their October 7, 2021 meeting, the following action was taken regarding a request from Gustavo Carrillo Carrillo (owner) to rezone property located in the vicinity of 1040 East County Line Road from “NM” Neighborhood District to “NX2” Neighborhood Mix District, to allow construction of a one-household dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

APPROVAL of Part A) Determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Medium Density Residential.

Part B) Approval of the proposed rezoning to “NX2” Neighborhood Mix Use District from “NM” Neighborhood District, to allow construction of a one-household dwelling.

(ZONG-2021-000028)

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Medium Density Residential.

Part B) Staff recommends approval of the proposed rezoning to “NX2” Neighborhood Mix Use District from “NM” Neighborhood District, to allow construction of a one-household dwelling.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is zoned “NM” District, which does not allow residential building typologies for single family, pursuant to City Code Chapter 135: Planning and Design Ordinance. The existing vacant lot was zoned “NM” District in anticipation of future expansion of the mobile home park. The applicant is proposing to construct a 2-story single-household residential use. For this to occur, the property must be rezoned to a district that allows one household residential building typologies other than a mobile home. The property is requested to be rezoned “NX2” District.
2. **Size of Site:** 216.5 feet by 281.3 feet (61,007 square feet or 1.401 acres).
3. **Existing Zoning (site):** “NM” Neighborhood District.
4. **Existing Land Use (site):** The property consists of vacant land and possible partial encroachment of a neighbors shed and access drive.
5. **Adjacent Land Use and Zoning:**
 - North** – “NM”; Use is a mobile home park.
 - South** – “R”; Uses are one household residential in Warren County.
 - East** – “NM”; Use is one household residential.
 - West** – “NM”; Use is one household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a band of residential uses, generally located between the Highway 5 to the south and Army Post Road to the north along the north side of East County Line Road.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on September 17, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 17, 2021 (20 days prior to the hearing) and September 27, 2021 (10 days prior to the 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 recognized neighborhoods on October 1, 2021.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Medium 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:** The applicant is requesting a rezoning to the “NX2” Neighborhood Mix District, which is consistent with the future land use designation for the property, “Medium Density Residential”. Plan DSM describes this designation as follows:

Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

The applicant is proposing to rezone the subject property to the “NX2” District. The Zoning Ordinance describes this district as “is intended for a mix of single household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood typical of bungalows and two-story Victorian or Arts and Crafts houses, pursuant to House D building type in section 135-2.14 of this code”. House Type D is the only detached single family household building type allowed in this district by Chapter 135.

2. **Planning and Design Ordinance:** Any development must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Francis Boggus made a motion for:

Part A) Determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Medium Density Residential.

Part B) Approval of the proposed rezoning to “NX2” Neighborhood Mix Use District from “NM” Neighborhood District, to allow construction of a one-household dwelling.

Motion passed: 10-0

Respectfully submitted,

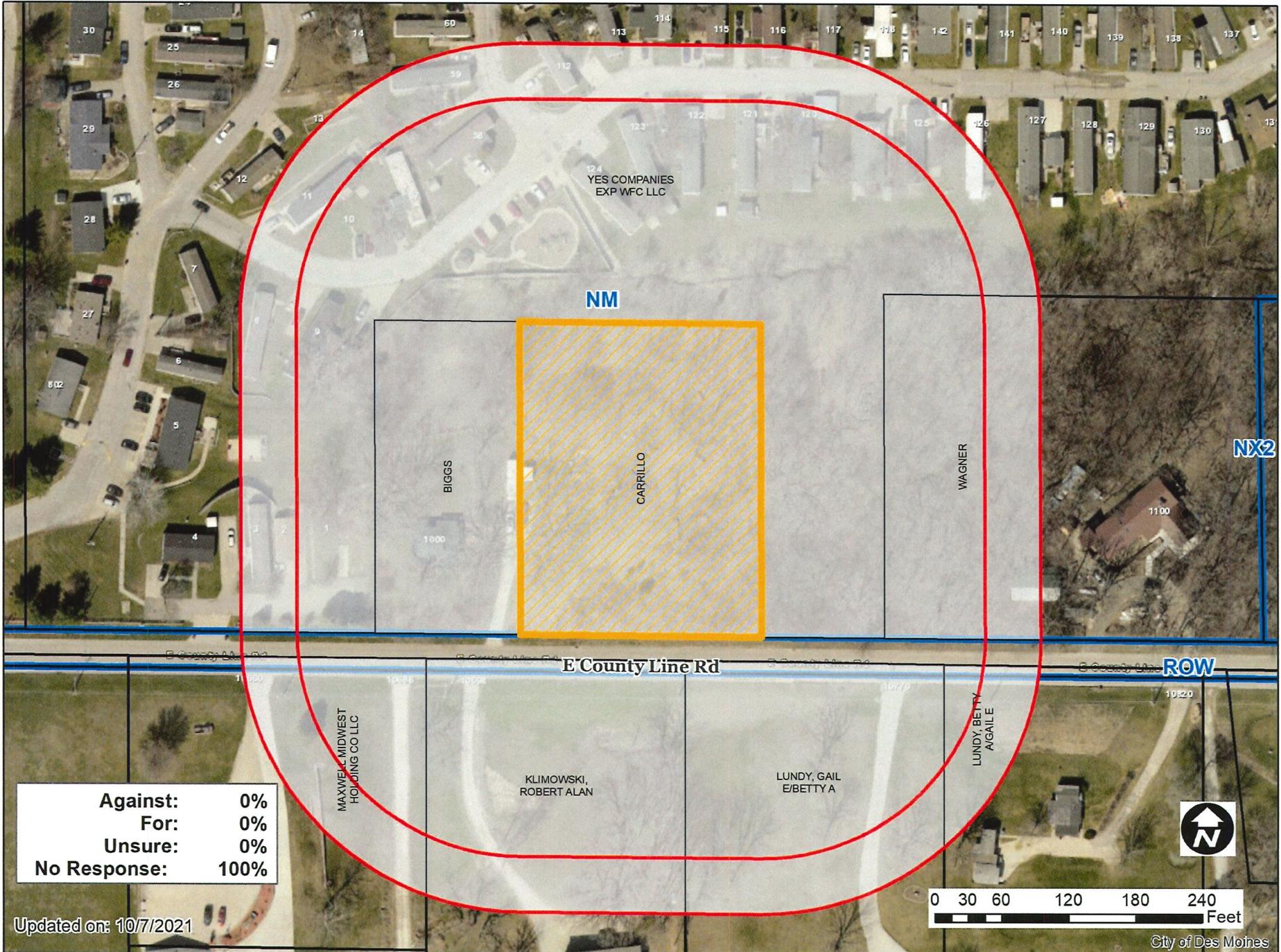
A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

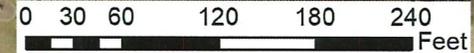
Gustavo Carrillo Carrillo, in the vicinity of 1040 East County Line Road

ZONG-2021-000028



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 10/7/2021



City of Des Moines

1 inch = 114 feet



1 inch = 114 feet

Item: ZONG-2021-000028 Date: 9-29-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: [Handwritten Signature]

Name: Shawn Kloster

Address: 802 E County Line #194

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
OCT 04 2021

_____ approving this request may be listed below:
