



Date November 1, 2021

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

**WHEREAS**, on October 18, 2021, by Roll Call No. 21-1553, the City Council received a communication from the City Plan and Zoning Commission advising 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**, on October 18, 2021, by Roll Call No. 21-1553, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on November 1, 2021, at 5:00 p.m., in the City Council Chambers; 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 rezoning; 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 1040 East County Line Road, legally described as:

Parcel L Book 9084, Page 853, the West ½ of Southeast ¼ 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.

from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling; 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.

**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 NX2 Neighborhood Mix District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to NX2 Neighborhood Mix District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



**Roll Call Number**

**Agenda Item Number**

48

**Date** November 1, 2021

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

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000028)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
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

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:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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.

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Motion passed: 10-0

Respectfully submitted,

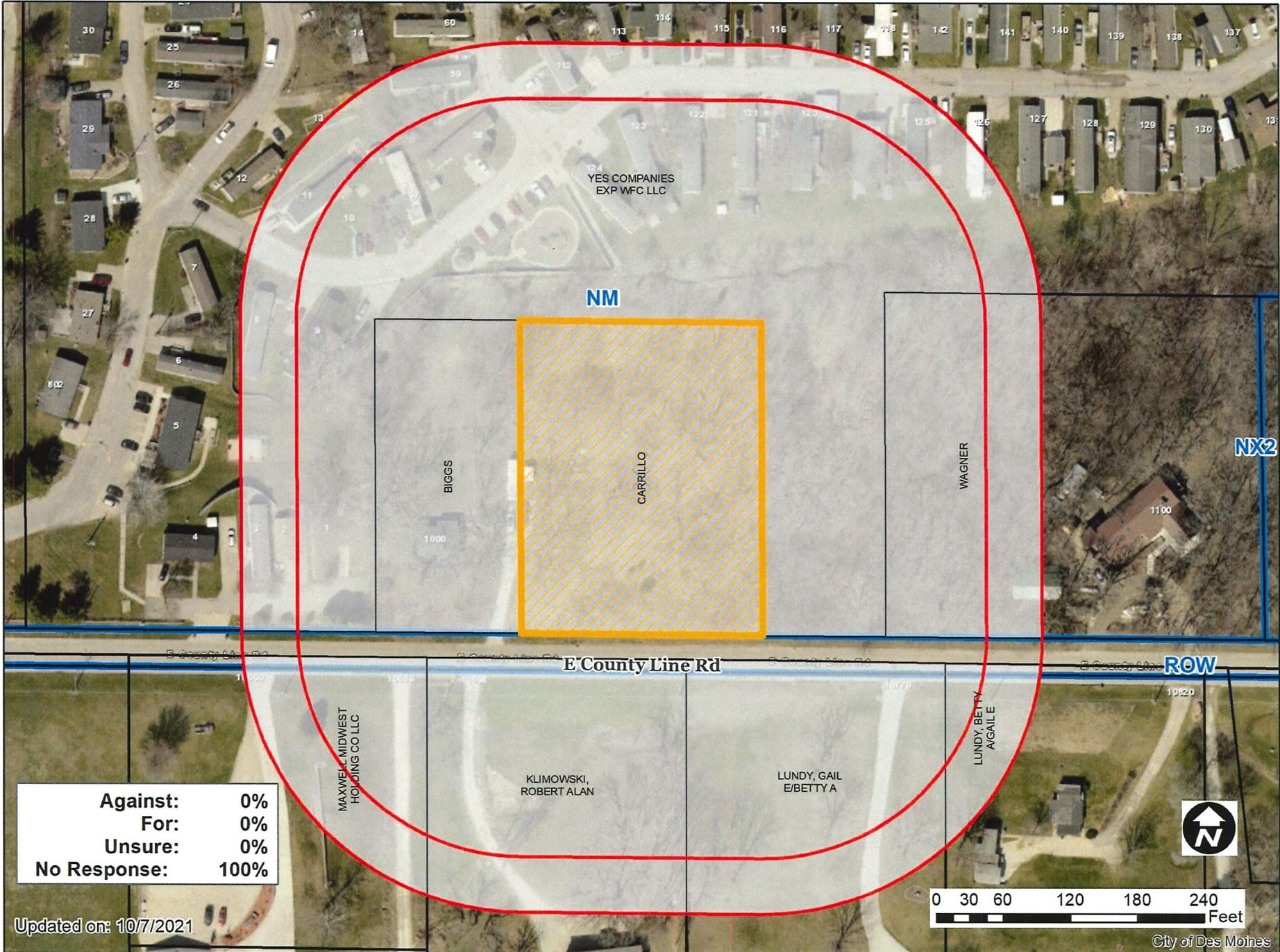


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

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

ZONG-2021-000028

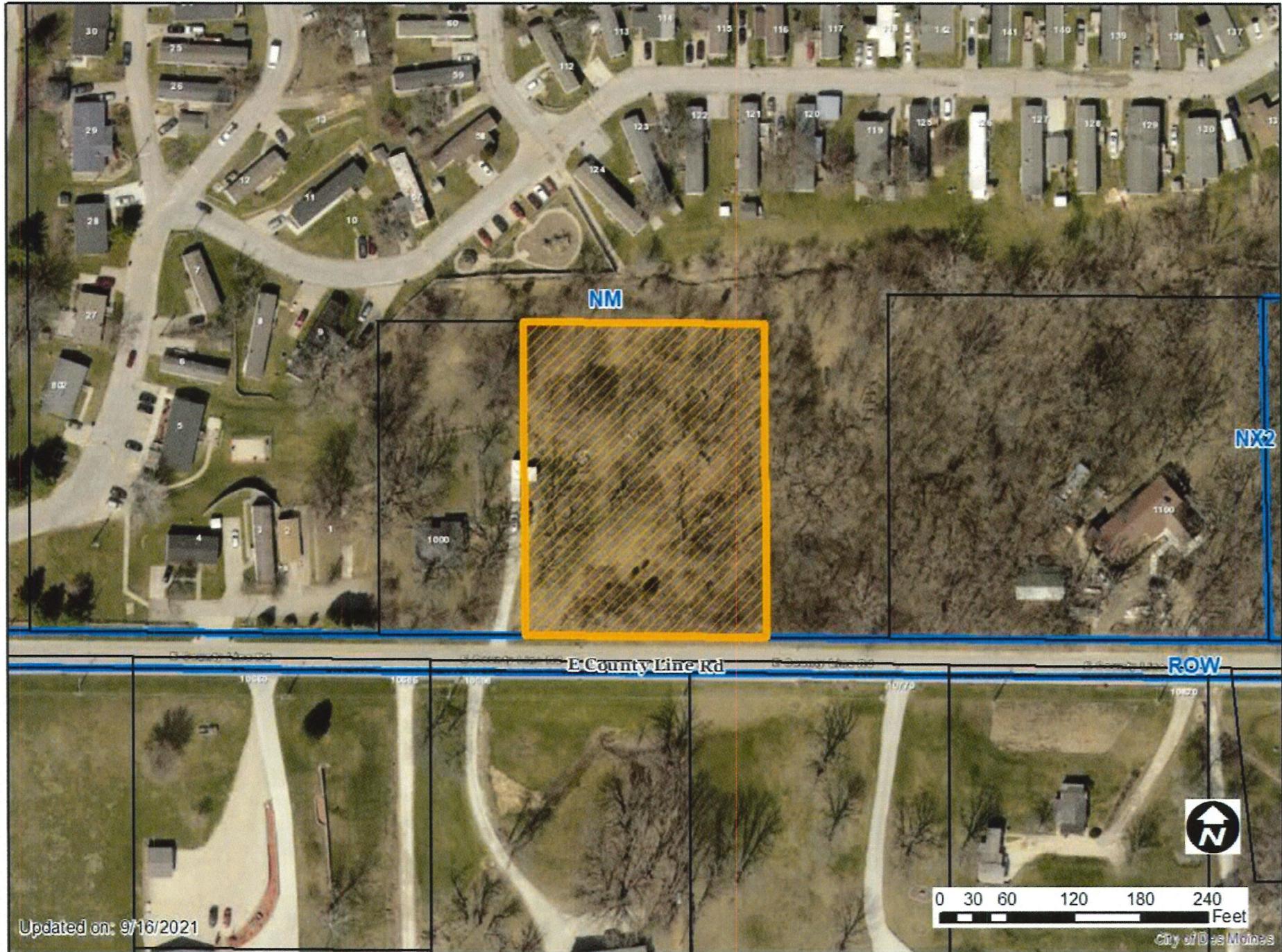


Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 10/7/2021

City of Des Moines

1 inch = 114 feet



Updated on: 9/16/2021

1 inch = 114 feet

48

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: 

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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_