



Roll Call Number

17-0517

Agenda Item Number

54

Date March 20, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
GLEN AND APRIL BROWN TO REZONE PROPERTY LOCATED AT
4518 SOUTHWEST 33RD STREET**

WHEREAS, on March 6, 2017, by Roll Call No. 17-0369, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Glen and April Brown (purchasers) to rezone City-owned property located at 4518 Southwest 33rd Street ("Property") from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District to allow for development of a single-family dwelling with access from Southwest 33rd Street, subject to the following conditions:

1. Any dwelling constructed shall have a full basement.
2. Any dwelling constructed shall have minimum 2-car attached garage.
3. 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.
4. Windows on any façade facing a public street shall have either of the following:
 - a. Trim border not less than 4 inches in width; or
 - b. Shutters on each side.
5. Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
6. Any single story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
7. Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
8. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
9. Any chain link fence shall have black vinyl-cladding; 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 4518 Southwest 33rd Street, legally described as:

ALL OF PARCEL "A" LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 IN SERENDIPITY PLAT 3, AN OFFICIAL PLAT, SAID PARCEL "A" IS RECORDED IN BOOK 15189 PAGE 476 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District to allow for development of a single-family dwelling with access from Southwest 33rd Street, subject to the conditions



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stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the purchasers of the Property, which is binding upon the purchasers and their successors, heirs and assigns.

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 to Limited "R1-80" One-Family Residential District with conditions as set forth above, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2017-00002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

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.

Diane Rauh
City Clerk