



Roll Call Number

18-1020

Agenda Item Number

58B

Date June 11, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM SUMMER YEE SONG TO REZONE PROPERTY AT 4750 SOUTHWEST 31ST STREET

WHEREAS, on May 21, 2018, by Roll Call No. 18-0875, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on May 3, 2018, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Summer Yee Song (purchaser), to rezone property locally known as 4750 Southwest 31st Street ("Property") from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District, to allow the development of a single-family dwelling, subject to the following rezoning conditions:

- 1. Sidewalks shall be constructed along the adjoining public street frontages with any development of a single-family dwelling.
2. Vehicular driveway access shall only be developed from Southwest 31st Street. Vehicular access to McKinley Avenue is prohibited.
3. Any single-family dwelling constructed on the subject property shall adhere to the following:
a. Shall be constructed to have a full basement.
b. Shall be constructed to have minimum 2-car attached garage.
c. Shall be constructed so that the front facade of any dwelling must contain one of the following:
i. A front porch of not less than 60 square feet; or
ii. At least 1/3 of the facade shall be clad with stone or brick masonry.
d. Shall be constructed to have windows on any facade facing a public street with either of the following:
i. Trim border not less than 4 inches in width; or
ii. Shutters on each side.
e. Shall be constructed with a roof having asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
f. Shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
g. Shall be constructed so that any 1 1/2 and 2-story homes have a minimum of 1,400 square feet of above grade finished floor area.
h. Shall be constructed with exterior material of masonry (brick or stone), cedar, masonite, or cement fiber board.
i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots; and

WHEREAS, on May 21, 2018, by Roll Call No. 18-0875, it was duly resolved by the City Council that the application of Summer Yee Song to rezone the Property, as legally described below, be set down for hearing on June 11, 2018 at 5:00 p.m. in the Council Chambers 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 4750 Southwest 31st Street, legally described as:

★ Roll Call Number

18-1020

Agenda Item Number

58B

Date June 11, 2018

THAT PART OF LOTS 2, 3, 4, AND 5 AIRPORT HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°14'58" WEST, A DISTANCE OF 156.64 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE, AS PRESENTLY ESTABLISHED, SAID POINT ALSO BEING A POINT OF CUSP ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 763.50 FEET AND A CENTRAL ANGLE OF 24°02'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 65°20'37" WEST 318.12 FEET; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 320.46 FEET; THENCE NORTH 00°11'57" EAST, A DISTANCE OF 25.11 FEET; THENCE SOUTH 89°45'58" EAST, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.69 ACRES, MORE OR LESS, AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

from "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District, to allow the development of a single-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) 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 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.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

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

(ZON2018-00066)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Fauh City Clerk