



Roll Call Number

19-1489

WITHDRAWN

Agenda Item Number

67B-2

Date October 14, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM RALLY CAP PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT 601 24TH STREET AND 602 23RD STREET

WHEREAS, on September 23, 2019, by Roll Call No. 19-1489, 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 8-3 in support of a motion to recommend APPROVAL of a request from Rally Cap Properties, LLC (purchaser), represented by Ryan Francois (officer), to rezone property located at 601 24th Street and 602 23rd Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for development of the Property with up to seven 3-story rowhouse dwelling units, subject to the following conditions:

- 1. Any use of the Property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
2. Any residential development upon the Property other than single-family detached residential structure(s) shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
3. Each dwelling unit constructed shall have a minimum of one onsite parking space per unit, maximum of one curb cut on the north side of High Street, and on-street parking on the north side of High Street be maintained.
4. Any dwelling unit constructed shall comply with the following:
a. The front facade of any dwelling unit constructed 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.
b. Windows on any facade facing a public street shall have either of the following:
i. Trim border not less than 4 inches in width; or
ii. Shutters on each side.
c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
f. 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. 19-1489, it was duly resolved by the City Council that the application from Rally Cap Properties, LLC 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



Roll Call Number

19-1666

Agenda Item Number

67B-2

Date October 14, 2019

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 601 24th Street and 602 23rd Street, legally described as:

THE SOUTH 10 FEET OF LOT 4, THE NORTH 40 FEET OF LOT 5, THE NORTH 40 FEET OF LOT 16 AND ALL OF LOT 17 OF BLOCK C IN WOODLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for development of the Property with up to seven 3-story rowhouse dwelling units, 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 "R-3" Multiple-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 "R-3" Multiple-Family Residential District t, 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

(ZON2019-00114)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the percentage (21.77%) of owners of property located within 200 feet of the subject property who have submitted a written protest opposing the rezoning. Des Moines City Code §134-4.

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

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.

Mayor

City Clerk