



Roll Call Number

19-1879

Agenda Item Number

58

Date November 18, 2019

**RESOLUTION DISMISSING 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 façade 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 façade shall be clad with stone or brick masonry.
 - b. Windows on any façade 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, legally

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described as follows, be set down for hearing on October 14, 2019 at 5:00 P.M., in the Council Chamber at City Hall:

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; 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, on October 14, 2019, by Roll Call No. 19-1665, the City Council opened and continued the public hearing at the applicant's request to the City Council meeting on November 18, 2019 at 5:00 p.m. in the Council Chambers; and

WHEREAS, thereafter Rally Cap Properties, LLC requested to withdraw its application for the proposed rezoning of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of 601 24th Street and 602 23rd Street from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District is hereby dismissed, and the matter of the proposed rezoning is withdrawn from City Council consideration.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

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

(ZON2019-00114)

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. Franken Mayor

Diane Rauh City Clerk