



Roll Call Number

21-0018

Agenda Item Number

15

Date January 11, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM JAMES ANDREW AND NANCY ALBRIGHT-ANDREW (OWNERS) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3900 SOUTHEAST 34TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 17, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from James Andrew and Nancy Albright-Andrew (Owners) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3900 Southeast 34th Street (“Property”) from Park and Open Space with Development Control Zone overlay to Low Density Residential to allow rezoning to ‘N2b’ Neighborhood District to allow the property to be filled and developed with a One Household Living Dwelling use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on December 17, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from James Andrew and Nancy Albright-Andrew (Owners), to rezone the Property from ‘F’ Flood District to ‘N2b’ Neighborhood District for the above-stated purpose subject to the following conditions:

1. Any site modification, filling and permitting of development must have an approved Conditional Letter of Map Revisions (CLOMR-F) from the Federal government. Upon completion of any permitted development, the owner shall obtain a formal Letter of Map Revisions based on Fill (LOMR-F) that would provide the as-built conditions;
2. Any site modification, filling and permitting shall be subject to the requirements of Chapter 50 of the City Code for floodplain development; and
3. Any removal of trees for any development of the property shall comply with tree mitigation requirements as applicable to a commercial Site Plan or Subdivision approval; and

WHEREAS, the Property is legally described as follows:

A PART OF LOT 30, LAKEWOOD COVE PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 30; THENCE NORTH 87°40'40" WEST ALONG THE SOUTH LINE OF SAID LOT 30, A DISTANCE OF 300.11 FEET; THENCE NORTH 00°44'19" EAST, 262.00 FEET; THENCE SOUTH 89°15'41" EAST, 44.57 FEET; THENCE SOUTH 35°05'58" EAST, 111.74 FEET; THENCE SOUTH 00°00'00" WEST, 82.00 FEET; THENCE SOUTH 90°00'00" EAST, 50.00 FEET; THENCE SOUTH 65°00'00" EAST, 50.00 FEET; THENCE SOUTH 90°00'00" EAST, 15.00 FEET; THENCE NORTH 49°01'08" EAST, 41.04 FEET;



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THENCE SOUTH 87°40'40" EAST, 47.76 FEET TO THE EAST LINE OF SAID LOT 30; THENCE SOUTH 00°44'19" WEST ALONG SAID EAST LINE OF SAID LOT 30, A DISTANCE OF 104.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES (43,560 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on January 25, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Assistant City Attorney

(21-2020-4.28)
(ZON2020-00151)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Frankin Cownie Mayor

P. Kay Cmelik City Clerk