



Roll Call Number

21-0145

Agenda Item Number

60

Date January 25, 2021

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

WHEREAS, on January 11, 2021, by Roll Call No. 21-~~0018~~, the City Council received a communication from the City Plan and Zoning Commission advising 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, on January 11, 2021, by Roll Call No. 21-~~0018~~ the City Council further received the City Plan and Zoning Commission’s recommendation 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, on January 11, 2021, by Roll Call No. 21-~~0018~~, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on January 25, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and



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WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and 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 3900 Southeast 34th Street, legally described as:

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; 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.

from 'F' Flood District to 'N2b' Neighborhood District to allow the property to be filled and developed with a One Household Living Dwelling use.

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 amendment to the PlanDSM future land use designation or rezoning of the Property to 'N2b' Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 3900 Southeast 34th Street to Low Density Residential is hereby approved.



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3. The proposed rezoning of the Property, as legally described above, to 'N2b' Neighborhood District, 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 Gatto TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk