

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	January 11, 2010
	<b>Agenda Item No.</b> 36 <b>Roll Call No.</b> <u>10-</u> <b>Communication No.</b> <u>10-007</u> <b>Submitted by:</b> Larry Hulse, Director <span style="padding-left: 150px;">Community Development</span>	

**AGENDA HEADING:**

Public hearing items regarding rezoning of 4015 and 4040 Dubuque Avenue.

**SYNOPSIS:**

City staff facilitated a meeting between the property owner/developer and neighborhood representatives on January 5, 2010, at the Four Mile Community Center per City Council directive on December 21, 2009. Thirteen neighborhood representatives, the property owner, developer and two City staff members attended the meeting. The property owner and developer requested that the property be rezoned to allow a maximum of 25 senior housing duplexes (50 dwelling units) to be constructed on the property. Neighborhood representatives who were present generally opposed the rezoning and stated a preference for the development of detached single-family dwellings on the property or no development of the property. On December 3, 2009, the Plan and Zoning Commission voted 10-0 to recommend approval of the proposed rezoning.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The subject property consists of two parcels totaling approximately 7 acres. The portion of the property located north of Dubuque Avenue is 5.49 acres in size and the portion of the property located south of Dubuque Avenue is approximately 1.51 acres in size.

The entire property is currently designated as “Low Density Residential” on the Future Land Use Map of the 2020 Community Character Plan. The proposed use (25 duplexes) and maximum density of 7.14 units per gross acre (50 units/7 acres) exceeds the definition of Low Density Residential which is defined as “areas developed with exclusively single-family and duplexes legal as of December 31, 1996, up to 6 units per net acre.”

However, the Gray’s Woods Neighborhood Action Plan, page 30, specifically states the following:

*“Establishing the future land use is important in the implementation of the Action Plan in that a guideline is provided for future development and redevelopment. It should be considered as a guideline and not a strict determinant so that it can be flexible enough to allow for changing*

*environments in acceptable development practices and other land use needs which cannot be foreseen at the current time.”*

In addition, housing goal #7 of the Action Plan is to “*construct quality infill housing on developable vacant land*” and implementation action “C” under this goal is to “*promote the use of existing housing infill incentive programs and support continuance and expansion of these programs.*”

The westerly 120 feet of the portion located north of Dubuque Avenue is currently zoned “R-2” One-and Two-Family Residential district. The remainder of the property is currently zoned “R1-60” One-family Low Density Residential district.

On December 7, 2005, the Plan and Zoning Commission approved the Eastern Mounds Preliminary Plat to allow creation of 33 single-family residential lots on the subject property and an additional 0.89 acres located at the southwest corner of Indianapolis Avenue and E. 41<sup>st</sup> Street. Four single-family lots were final platted on the 0.89 acres and three new single-family dwellings were constructed.

Due to changes in market conditions in the last five years, the property owner and developer have requested to amend the Des Moines 2020 Community Character Plan Future Land Use Map designation from “Low Density Residential” to “Low/Medium Density Residential” and to rezone the remainder of the property to a “Limited R-3” Multiple Family Residential district. The Low/Medium Density Residential future land use map designation is defined as “*areas developed with a mix of single family, duplex and small multi-family units, up to 12 units per net acre.*” The “Limited R-3” zoning that was recommended by the Plan and Zoning Commission would limit the density of the development to a maximum of 7.14 dwelling units per gross acre and would restrict the use of the property for a maximum of 25 duplexes (50 dwelling units) for senior residents or people with disability.

On December 3, 2009, the Plan and Zoning Commission voted 10-0 to recommend approval of the Low/Medium Density land use designation and Limited R-3 zoning, subject to the following conditions:

1. Any use of the property shall be restricted to elderly living or persons with disability living arrangements.
2. Development of the site shall not exceed 25 bi-attached residential buildings (50 total units).
3. Development of the site shall include structures along the north side of Dubuque Avenue being oriented toward Dubuque Avenue, rather than backing to Dubuque Avenue.
4. The developer shall be required to improve Dubuque Avenue to urban standards, including sidewalks on both sides of the street.
5. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
6. Design and materials for any structure built on the subject property shall demonstrate compatibility with the adjoining residential properties as part of review of a Site Plan Under the Design Guidelines for Multiple-Family Residential uses by the Plan and Zoning Commission.
7. Any trash enclosures shall be constructed with masonry materials and steel gates to match the multiple-family residential structures.
8. Any chain link fencing on the site shall be clad with black vinyl.
9. Any structure constructed on the site shall have architectural shingles.
10. Any bi-attached dwelling unit shall have at least 1,040 square feet of floor space, excluding basements, and at least a one-car attached garage.

11. The exterior of each bi-attached dwelling unit must be constructed of masonry (brick or stone) and/or vinyl, cedar or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 42 mills thick.
12. The front elevation of each bi-attached dwelling unit must contain either 1/3 to 1/2 stone or brick masonry or a front porch of not less than 60 square feet.
13. The front elevation of each bi-attached dwelling unit constructed must include either shutters on each side of each window or window trim not less than four inches in width.
14. Any tree removals on the site will be subject to the provisions of the tree mitigation ordinance that was adopted by the City Council on September 28, 2009.
15. The property owner will agree not to object to a future special assessment for improvements to E. 41<sup>st</sup> Street.

Staff believes that the proposed Land Use Plan Amendment, “Limited R-3” zoning, as recommended by the Plan and Zoning Commission and the Council’s action on December 21, 2009, for support and preliminary commitment of HOME funds for 38 units of low-income senior housing at E. 40<sup>th</sup> Street and Dubuque Avenue, is supported by the Gray’s Woods Neighborhood Action Plan.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: December 21, 2009

Roll Call Numbers: 09-2316 & 09-2317

Actions: On items regarding property in the 4000 block of Dubuque Avenue: A) Amending the Des Moines 2020 Community Character Land Use Plan, designation from Low-Density Residential to Low/Medium-Density Residential; and B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living. Moved by Mahaffey to continue to the January 11, 2010 Council meeting at 5:00 PM; refer to the City Manager to meet with the Developer and neighbors prior to that meeting. Motion Carried 7-0.

Date: December 21, 2009

Roll Call Numbers: 09-2285

Actions: Support and preliminary commitment of Home Funds on Applications to Iowa Finance Authority (IFA) of Low-Income Housing Tax Credits (LIHTC) on new construction for the following: (Council Communication No. 09-888) (C) Eastern Mounds Housing, LLLP – 38 units of low-income senior housing at E. 40<sup>th</sup> Street and Dubuque Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 7, 2009

Roll Call Number: 09-2184

Action: On request from Thomas Wilson to rezone property in the 4000 block of Dubuque Avenue from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures

with up to 50 residential units for senior living, (12-21-09). Moved by Vlassis to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: December 3, 2009

Action: Plan and Zoning Commission voted 10-0 to recommend approval of the Low/Medium Density Residential land use designation and “Limited R-3” zoning, subject to conditions.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Second and Third Considerations of the proposed ordinances, unless waived by the City Council (requires 6/7 vote).

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