

 <div style="text-align: center;"> <h1>Council Communication</h1> <p>Office of the City Manager</p> </div>	Date: July 9, 2018
	Agenda Item No. 42 Roll Call No. <u>18-1184</u> Communication No. <u>18-345</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting a Use Variance to allow use of the property at 1120 26th Street for a multiple-family residential use with two (2) dwelling units in an “R1-60” One-Family Low-Density Residential District.

SYNOPSIS:

Staff recommends that the Council decline to remand the decision of the Zoning Board of Adjustment granting a Use Variance to allow use of the property at 1120 26th Street for a multiple-family residential use with two (2) dwelling units in an “R1-60” One-Family Low-Density Residential District.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On June 27, 2018, the Zoning Board of Adjustment voted 5-0 to approve a Use Variance that allows use of the property at 1120 26th Street for a multiple-family residential use with two (2) dwelling units in an “R1-60” One-Family Low-Density Residential District.
- The conditions imposed by the Zoning Board of Adjustment are intended to protect the surrounding neighborhood from any negative impacts of the use. The conditions require compliance with applicable building and fire codes with issuance of any necessary permits by the City’s Permit and Development Center and issuance of all necessary rental certificates by the Neighborhood Inspection Division of the City for any rental of the property.
- The site was previously used for a multiple-family residential use with 11 dwelling units, until that use lapsed for a period longer than six (6) months, causing the site to lose its legal non-conforming rights.
- The site is located along the west side of 26th Street to the south of University Avenue. It is located within the Drake Neighborhood. The Drake Neighborhood Association supported the Use Variance.
- The site is owned by Lockstep, LLC, represented by Jeff Horner, 7528 Hickman Road, Windsor Heights, IA 50324.

- Pursuant to City Code Section 134-65, the City Council shall review the Board's decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council's action (July 9, 2018).

PREVIOUS COUNCIL ACTION(S):

Date: May 21, 2018

Roll Call Number: [18-0934](#) and [18-0935](#)

Action: Items regarding request from Lockstep, LLC, for property at 1120 26th Street, to allow use of the property for a three-unit multiple-family dwelling, (Plan and Zoning Commission recommends DENIAL):

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density/Medium-Density Residential to High-Density Residential. Moved by Mandelbaum to adopt and DENY the proposed amendment. Motion Carried 7-0.
- (B) [Hearing](#) on rezoning of the property from R1-60 (One-Family Low-Density Residential) to "R-4" (Multiple-Family Residential): Moved by Mandelbaum to adopt and DENY the proposed rezoning: a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested rezoning of the property to "R-4" Multiple-Family Residential District, to allow use of the property for a three-unit multiple family dwelling. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the property is Low/Medium Density Residential, which is not in conformance with the proposed High Density Residential use of the property as stated above. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: June 27, 2018

Resolution Number: ZON2018-00092

Action: Motion to conditionally grant a Use Variance to allow use of the property for a multiple-family residential use with two (2) dwelling units, approved by a 5-0 vote.

Board: Plan & Zoning Commission

Date: April 19, 2018

Resolution Number: ZON2018-00050

Action: Motion to recommend denial of a request to rezone the property from “R1-60” One-Family Low-Density Residential District to “R-3” Multiple-Family Residential District, approved by a 10-0 vote.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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