

February 8, 2010

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 21, 2010, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from S & G Real Estate (owner) to rezone property located at 2601 East Market Street from "M-1" Light Industrial District to "Limited R1-60" One-Family Low-Density Residential District subject to the applicant agreeing to the following conditions:

1. Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
2. Any new single-family dwelling constructed shall meet the following design requirements:
  - (a) Have a minimum of 1,200 square feet of living area exclusive of any attached garage.
  - (b) Have an attached or detached garage for parking of at least two vehicles.
  - (c) Have either an open roofed front porch or shall have at least 40% of the front façade comprised of brick, stone or block masonry material.
  - (d) All exterior siding material shall be masonry, stone, cement board or minimum 42 mil thickness vinyl.
  - (e) All exterior roofing material shall architectural asphalt shingles.

The subject property is more specifically described as follows:

Lot 6, Block 3, Eshbaugh & Wests Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 22, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

.....  
Date February 8, 2010  
.....

2. 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.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

(ZON2009-00222)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk

Request from S & G Real Estate (owner) represented by Paul Gengler to rezone property at 2601 East Market Street.			File # ZON2009-00222		
<b>Description of Action</b>	Rezone property at 2601 East Market Street from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District to allow reuse of a single-family dwelling.				
<b>2020 Community Character Plan</b>	General Industrial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"M-1" Light Industrial District				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		2			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes	X
	Denial			No	

S & G Real Estate Investments - 2601 E Market Street

ZON2009-00222



January 27, 2010

Agenda Item \_\_\_\_\_

Roll Call # \_\_\_\_\_

20

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 21, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley				X
Dann Flaherty	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of a request from S&G Real Estate (owner) for property located at 2601 East Market Street that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan's General Industrial designation, approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Low-Density Residential and approval of the request to rezone the property to "R1-60" One-Family Low-Density Residential District subject to the applicant agreeing to the following conditions: **ZON2009-00222 & 21-2009-4.12**

1. Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
2. Any new single-family dwelling constructed shall meet the following design requirements:
  - (a) Have a minimum of 1,200 square feet of living area exclusive of any attached garage.
  - (b) Have an attached or detached garage for parking of at least two vehicles.
  - (c) Have either an open roofed front porch or shall have at least 40% of the front façade comprised of brick, stone or block masonry material.
  - (d) All exterior siding material shall be masonry, stone, cement board or minimum 42 mil thickness vinyl.
  - (e) All exterior roofing material shall architectural asphalt shingles.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## Written Responses

0 In Favor

2 In Opposition

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan's General Industrial designation.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Low-Density Residential.

Part C) Staff recommends approval of the request to rezone the property to "R1-60" One-Family Low-Density Residential District subject to the applicant agreeing to the following condition:

1. Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
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### **STAFF REPORT**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to rezone to allow the single-family dwelling on the property to be rebuilt if destroyed beyond 60% of its current value.
2. **Size of Site:** The subject parcel is 174-feet by 132-feet or 22,970 square feet total. A 58-feet by 132-feet or 7,656 square feet portion containing a majority of the single-family dwelling is within property that is zoned "M-1" Light Industrial.
3. **Existing Zoning (site):** "M-1" Light Industrial District and "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Single-family dwelling with primary entrance oriented to the west toward vacated and undeveloped land.
5. **Adjacent Land Use and Zoning:**

**North** – "M-2", Use is Capitol City Boiler service and repair.

**South** - "M-2", Use is a single-family dwelling.

**East** - "R1-60", Uses are single-family residential dwellings and undeveloped land.

**West** – "M-2", Use is Titan Tire manufacturing.

6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood area is a transition between the heavy industrial uses to the west and north and the single-family neighborhood to the east.
7. **Applicable Recognized Neighborhood(s):** N/A. Formerly recognized as Chesterfield Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Landscaping & Buffering:** In reviewing the requested rezoning staff has concern for the long range need to provide a transition between the heavy industrial tire manufacturing use to the west and the residential neighborhood to the east. The current zoning would not allow residential redevelopment of the property if the existing dwelling is removed or destroyed. Therefore, any redevelopment of the property under industrial zoning would require a 50-foot setback and a buffer yard to protect the neighborhood to east.

If the property is rezoned to allow the continuance of residential use, staff believes there should be safeguards required for any future residential development. Any new dwelling should be set back at least 25 feet from the "M" District boundary to the west. This would allow a dwelling to be rebuilt, but would require it to be placed further away from the industrial development.

2. **2020 Community Character Plan:** The Des Moines' 2020 Community Character Plan designates the subject property as General Industrial. This designation must be amended to the Low Density Residential to allow for the requested rezoning. The Des Moines' 2020 Community Character has the following policies in reference to the General Industrial typology which are relevant to the subject request.
  - Allow for a limited amount of heavy industrial uses where appropriate, but minimize negative impacts on the surroundings. Concentrate on retaining and improving existing industrial uses to preserve existing jobs.
  - Prohibit the development of additional housing units in major industrial zones. Encourage the purchase of homes in industrial areas as businesses seek to expand.

Staff believes that these policies were intended for prohibiting larger scale new residential development from occurring within areas designated for General Industrial use and not with regard to retention of an individual existing single-family dwelling. Nevertheless, staff believes that should there be any new residential development on the subject property it should have a reasonable separation from the existing industrial district and use.

## SUMMARY OF DISCUSSION

*There was no discussion.*

## CHAIRPERSON OPENED THE PUBLIC HEARING

*There was no one in the audience to speak in opposition*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION**

Greg Jones moved staff recommendation that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan's General Industrial designation, approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Low-Density Residential and approval of the request to rezone the property to "R1-60" One-Family Low-Density Residential District subject to the applicant agreeing to the following conditions:

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Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item ZON2009-00222

Date 1/13/10

I (am) (am not) in favor of the request.

20

RECEIVED  
(Circle One)  
COMMUNITY DEVELOPMENT

JAN 25 2010

DEPARTMENT

Print Name WALTER A. JOHNSON

Signature [Signature]

Address 2600 E MARKET

Reason for ~~opposing~~ this request may be listed below:

THE PROPERTY @ 2601 IS ALREADY ZONED R1-60  
& M-1 BUT 2600 E MARKET ST. AND 2700 E MARKET ST.  
IS ZONED M-2. THERE'S WORK 24HRS THE PRODUCES  
A LOT OF NOISE AND A LOT OF TRAFFIC AND I WOULD NOT  
RECOMMEND FAMILY DWELLINGS ALSO THERE'S RUMOR  
THAT A LARGE LABOR CONSUMER IS GOING TO EXPAND.

Item ZON2009-00222

Date 1/13/10

I (am) (am not) in favor of the request.

RECEIVED  
(Circle One)  
COMMUNITY DEVELOPMENT

JAN 25 2010

DEPARTMENT

Print Name Melvin L. Blodgett

Signature [Signature]

Address 2604 E. ELM

Reason for opposing or approving this request may be listed below:

Do NOT want Halfway Houses, apt.  
or ANY other Types of Bad  
elements There.