

.....
Date February 26, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2007, its members voted 14-0 to recommend **APPROVAL** of a City Council initiated request to rezone properties located at 1703 and 1707 East Madison Avenue from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District to bring the existing single-family use of the property into conformance with the Zoning Ordinance.

Subject properties are owned by the Estate of Ike Seymour and by Francis Gilbert respectively and are more specifically described as follows:

The East 25 Feet of Lot C lying West and adjacent and all of Lot 27 of McDonald Acres; and Lot 28 of McDonald Acres, all now included and forming a part of the City of Des Moines, Polk 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 March 12, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
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:

Roger K. Brown, Assistant City Attorney

(ZON2007-00001)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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.

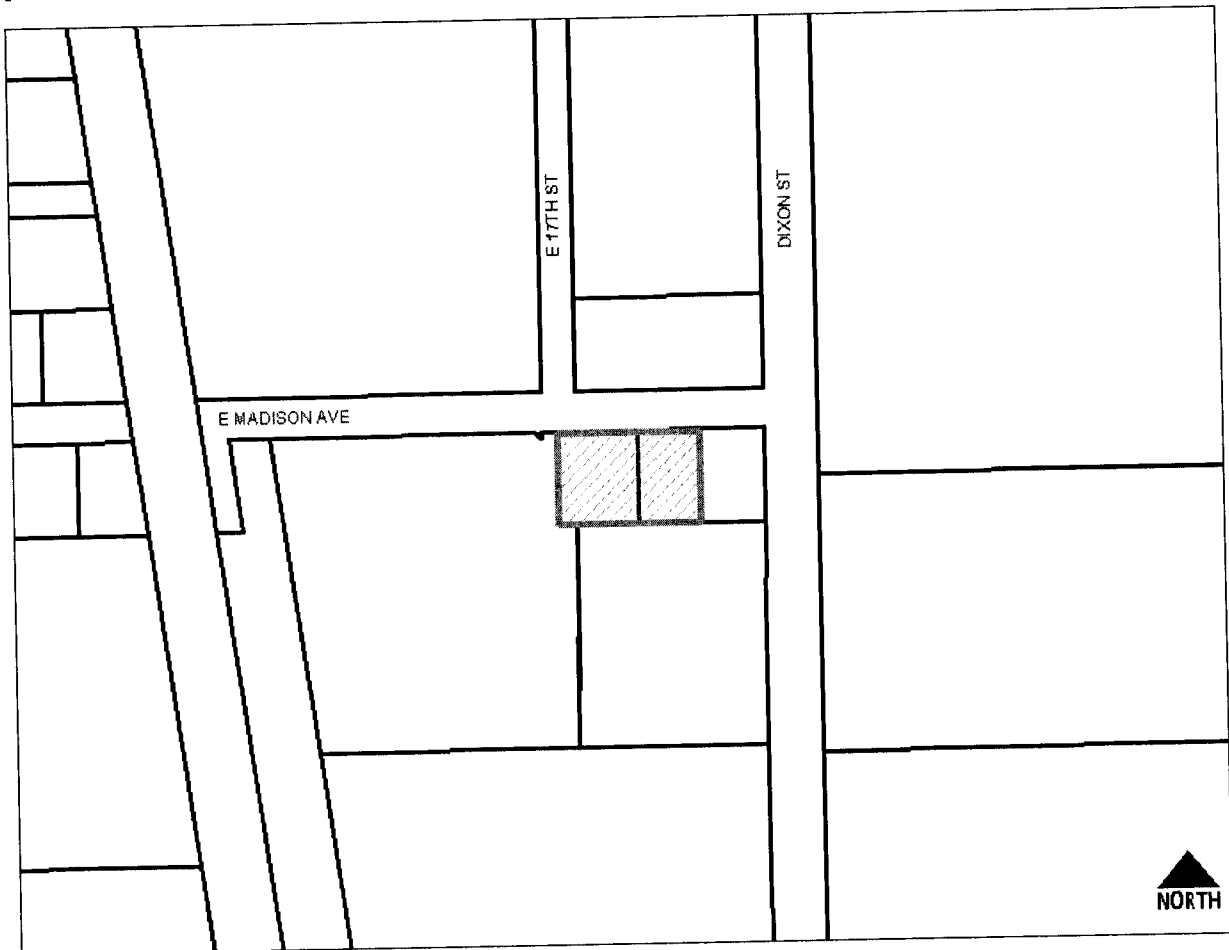
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Request from City Council initiated request to rezone properties located at 1703 and 1707 East Madison Avenue. Subject properties are owned by the estate of Ike Seymour and Francis Gilbert respectively.				File # ZON2007-00001	
Description of Action	Rezone property from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District to bring the existing single-family use of the property into conformance with the Zoning Ordinance.				
2020 Community Character Plan	General Industrial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-1" Light Industrial District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	0	0	<20%	
Outside Area	0	0	0	<20%	
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated - 1703 & 1707 E Madison Avenue

ZON2007-00001



February 26, 2007

Date _____

Agenda Item 26

Roll Call # _____

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 February 15, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp				X
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

APPROVAL of a City Council initiated request to amend the Des Moines 2020 Community Character Plan from General Industrial to Low Density Residential for property located at 1703 and 1707 East Madison Avenue as more specifically shown on the accompanying map. Subject properties are owned by the Estate of Ike Seymour and by Francis Gilbert respectively. (21-2007-4.01)

By same motion and vote, members moved for **APPROVAL** of a City Council initiated request to rezone properties located at 1703 and 1707 East Madison Avenue from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District to bring the existing single-family use of the property into conformance with the Zoning Ordinance. (ZON2007-00001)

Written Responses

2 In Favor
0 In Opposition

This item would not require a 6/7 vote at City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends the Des Moines' 2020 Community Character Plan not be amended from General Industrial to Low Density Residential, as the long-term future of this area is industrial development. However, staff recommends approval of rezoning the subject site from the "M-1" District to the "R1-60" District because these properties have viable residential structures and were prematurely zoned industrial.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject site consists of two parcels each containing a single-family dwelling. The City Council initiated this rezoning on January 22, 2007 by Roll Call No 07-115 at the request of the property owner of 1703 East Madison Avenue. The Roll Call states the following as support for initiating the rezoning.

WHEREAS, both of the properties were rezoned by the City to the "M-1" Light Industrial District making the dwellings non-conforming for zoning purposes and resulting in the following unintended consequences to the owners:

- (a.) The existing dwellings cannot be enlarged or structurally altered, and cannot be repaired or replaced in the event they are damaged by more than 60% of their value by fire or any other cause, without relief from the Board of Adjustment;
- (b.) The non-conforming status makes it more difficult to obtain insurance and mortgage financing; and,
- (c.) The dwellings do not receive the benefit of the setbacks and buffering required of future commercial and industrial development for the protection of adjoining dwellings located in a residential district.

- 2. **Size of Site:** 209' x 138' (29,034 square feet).
- 3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. **Existing Land Use (site):** Single-family residential.
- 5. **Adjacent Land Use and Zoning:**
 - North* – "M-1", Use is warehousing.
 - South* – "M-1", Use is warehousing.
 - East* – "M-1", Use is vacant commercial building.
 - West* – "M-1", Use is warehousing.
- 6. **General Neighborhood/Area Land Uses:** The subject site is located in the northeast quadrant of the City in an area that generally consists of industrial uses along the East Euclid Avenue corridor between East 14th Street to the west and Interstate 235 to the east.
- 7. **Applicable Recognized Neighborhood(s):** None.
- 8. **Relevant Zoning History:** On May 23, 2005 the City Council approved Ordinance Number 14,451 rezoning a significant portion of the properties in the City zoned "M-2" to "M-1" including

the subject site. The subject site was zoned "M-2" in 1953 when the City first adopted a zoning ordinance that is the framework for the current zoning ordinance.

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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Buffering:** The Zoning Ordinance does not require side and rear yard setbacks between properties zoned "M-1." The "M-1" District does include an "R" District Protection provision that requires a 25' side and rear yard setback with a 6'-tall opaque screen when the "M-1" District abuts a "R" District. Opaque screens generally can consist of a wall, fence, berm, landscaping or an adequate mix of these elements as described by the Zoning Ordinance. If the subject site is rezoned these buffering provisions would apply to new development on the adjoining properties.
- 2. 2020 Community Character Plan:** The City's Land Use Plan identifies this area as "General Industrial," which matches the primary development pattern in the area.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

Marc Wallace made a motion to move this item to the Consent Agenda.

Motion passed 14-0.

Kaye Lozier moved to approve the staff recommendation.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2007 00001

Date 2-7-07 26

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

(Circle One)

RECEIVED

FEB 09 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name IKE + Mary Seymour

Signature Mary Seymour

Address 1703 E. Madison Ave

Subject Property

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

If we were to have a major house fire, we could not rebuild. Also, if we wanted to sell our house, a prospective buyer would have difficulty finding a lender willing to finance a house zoned "M-1."

Item 2007 00001

Date 2/12/07

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

(Circle One)

RECEIVED

FEB 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name FRANCES MCKNIGHT

Signature Frances McKnight (Milbert)

Address 6419 N.E. 29th Ave Apt 5002

Subject Property

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

I don't know if rezoning this property would be of a benefit to me. I just know that while it was zoned M-1 I had to pay \$10,000.00 in special assessments for heavy truck paving

Thank You Frances McKnight