

44A

Date March 12, 2007

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

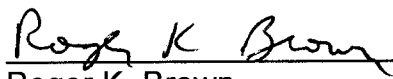
WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held February 15, 2007, the members the members voted 14-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request to amend the Des Moines 2020 Community Character Plan 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.

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

1. That the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.
2. That all other parts of said Des Moines 2020 Community Character Land Use Plan are hereby deemed to remain in full force and effect and the Plan adopted by the City Council by Roll Call No. 00-3381 on August 7, 2000, and all subsequent amendments thereto including the amendment herein shall constitute the official comprehensive plan known as the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to approve the proposed amendment.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(21-2007-4.01)

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

MOTION CARRIED

APPROVED

**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.

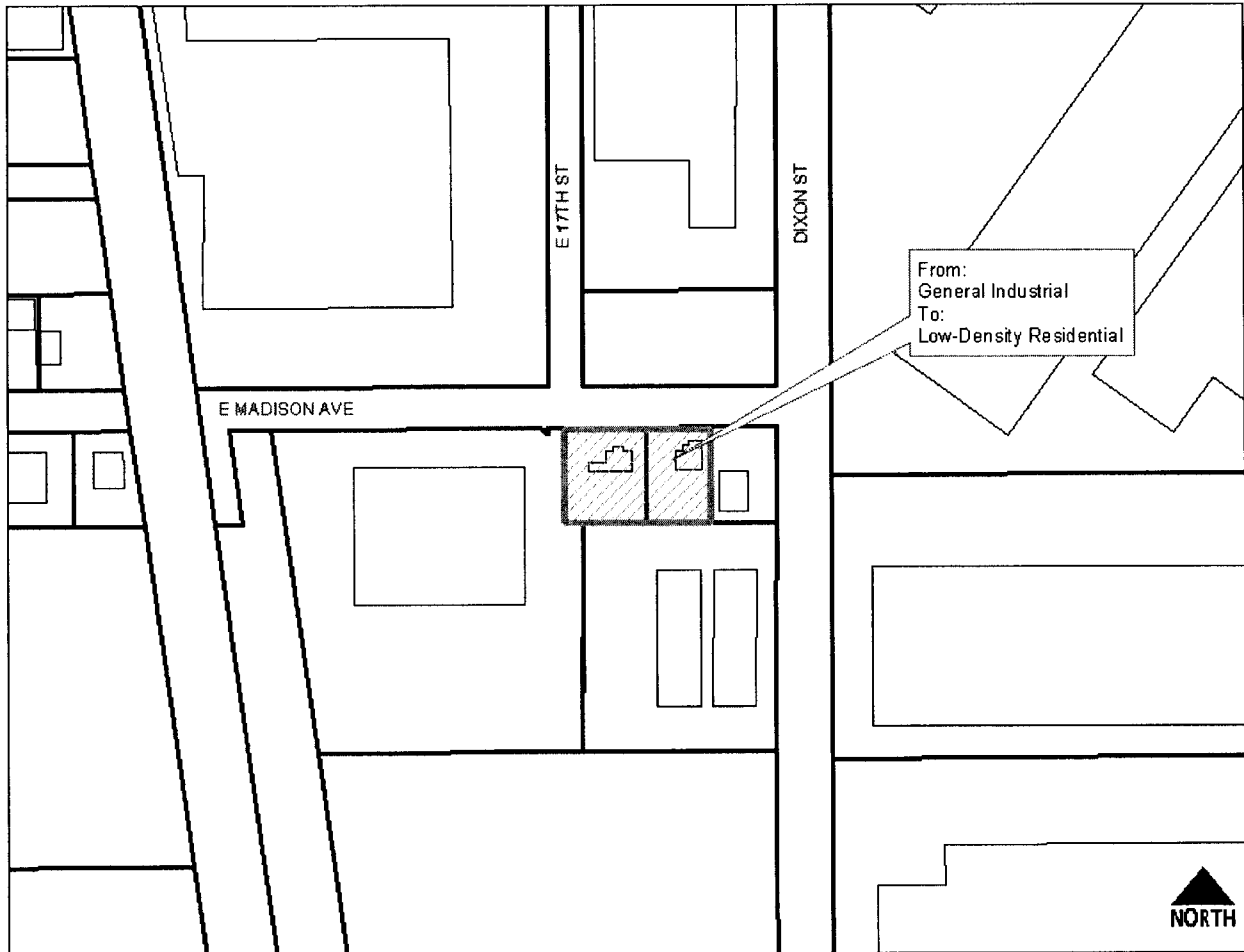
\_\_\_\_\_  
 Mayor

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

44A

City Council Initiated - 1703 & 1707 E Madison Avenue

21-2007-4.01



March 12, 2007

94A

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 14<sup>th</sup> 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