

Date July 9, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2007, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from Tony Denton (purchaser) to rezone property located at 1152 22nd Street from "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District to allow development of pedestrian-oriented row house development.

Subject property is owned by SRS, Inc. and is more specifically described as follows:

The North 88.47 Feet of the South 188.47 Feet of Lot 1, Block 4, Cottage Grove, an Official Plat, all now included in 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 July 23, 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.

(Continued)

★ Roll Call Number

Agenda Item Number

Date July 9, 2007

28

-2-

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

(ZON2007-00075)

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.

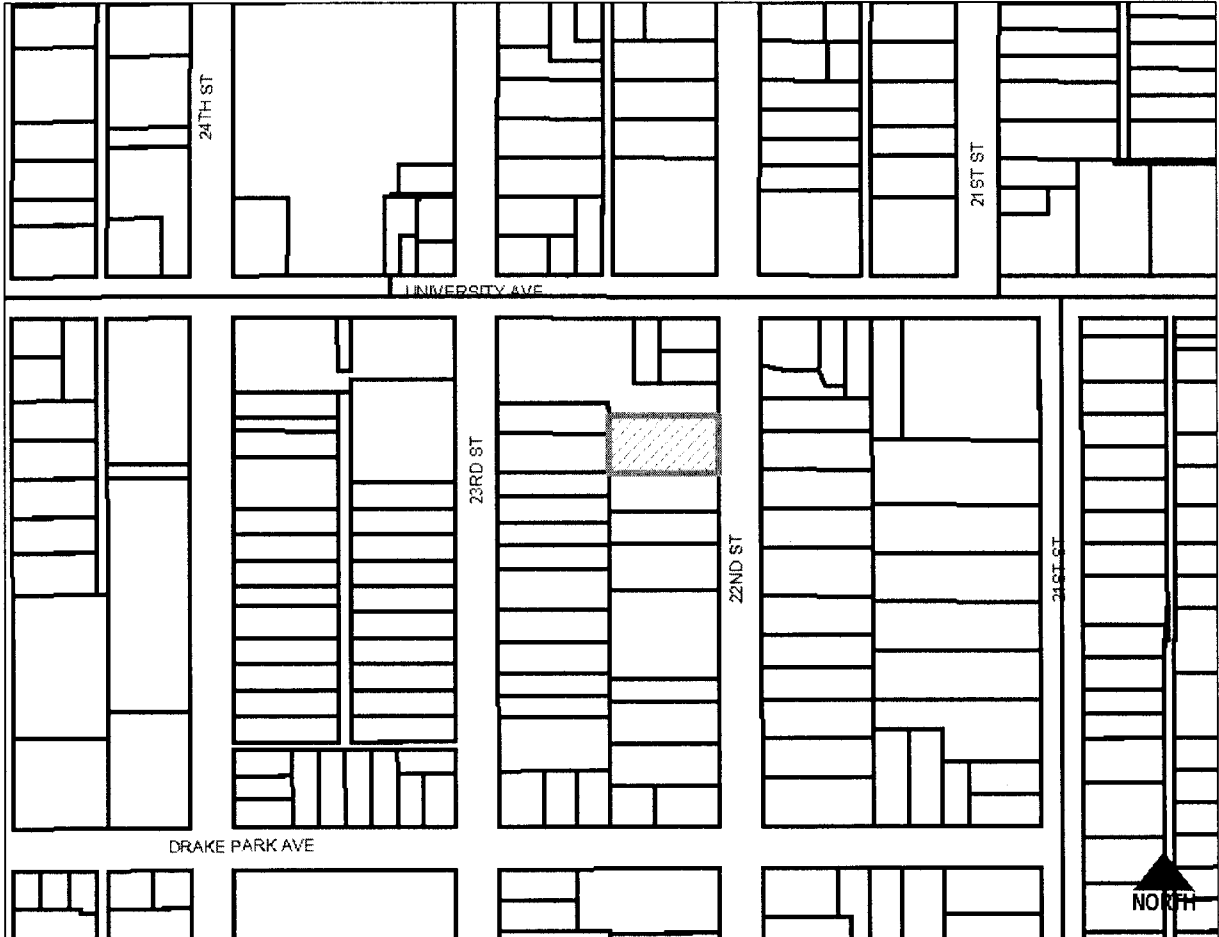
Mayor

City Clerk

Request from Tony Denton (purchaser) to rezone property located at 1152 22 nd Street. Subject property is owned by SRS, Inc.		File # ZON2007-00075		
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District to allow development of pedestrian-oriented row house development.			
2020 Community Character Plan	Low-Medium Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	2	0	<20%
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial	12-0		No

Tony Denton - 1152 22nd Street

ZON2007-00075



July 9, 2007

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 June 21, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-3 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			

DENIAL of a request from Tony Denton (purchaser) to amend the Des Moines 2020 Community Character Plan future land use designation from Low/Medium Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor for property located at 1152 22nd Street. (21-2007-4.07)

By same motion and vote members also recommended **DENIAL** of a request to rezone subject property from "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District to allow development of pedestrian-oriented row house development. (ZON2007-00075)

Written Responses

3 In Favor

2 In Opposition

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



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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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

Part B) Staff recommends denial of the request to amend the Des Moines' 2020 Community Character Plan's future land use designation from Low/Medium Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor.

Part C) Staff recommends denial of the requested rezoning.

STAFF REPORT

- 1. Purpose of Request:** The owner is seeking to rezone the property in order to construct a multiple-family (townhouse) residential structure. The submitted conceptual site sketch proposes a 3-story structure with four dwelling units, each with an attached garage, and an accessory structure with five additional garage stalls. The "NPC" District is being sought in order to accommodate a 3' north side yard setback, whereas the "R-3" District would require a minimum side yard setback of 10' for a 3-story structure. The proposed conceptual site sketch proposes a 30' front yard setback from the east front property line to be compatible with the surrounding dwellings.

Staff does not believe this site is ideal for the proposed multiple-family residential use given its location on a residential street with single-family family dwellings in the immediate vicinity both to the north and to the south. Furthermore, staff would not support the 3' north side yard setback as proposed.

Should the property be rezoned to "NPC" District, future development on the site would be subject to review and approval of a Site Plan under the "NPC" Design Guidelines by the Plan and Zoning Commission.

- 2. Size of Site:** 88.5' x 169' or 14,957 square feet (0.34 acre).
- 3. Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. Existing Land Use (site):** The site has been vacant since a single-family dwelling was demolished in 2005.

5. Adjacent Land Use and Zoning:

North – "C-2", Use is a 50'-wide undeveloped parcel owned in common with the Starch Pet Hospital at 2222 University Avenue and a single-family dwelling.

South – "R1-60", Use is a single-family dwelling.

East – "R-3", Use is a multiple-family residential structure with four dwelling units.

West – "R1-60", Uses are an undeveloped parcel and single-family dwellings.

- 6. General Neighborhood/Area Land Uses:** The subject property is located in a low-density residential area just south of University Avenue. The immediate area includes predominantly single-family dwellings with a few scattered conversion-residential structures.

7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential.
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. **Drainage/Grading:** Future development of the site with a multiple-family residential use would be required to meet all of the City's site plan requirements, including landscaping and storm water management. Any grading of the site would be subject to issuance of a grading permit from the Permit and Development Center.
2. **Landscaping & Buffering:** The "NPC" Design Guidelines do not provide for specific landscaping requirements. However, staff would likely use "R-3" District standards as a basis in making recommendations to the Commission on any future "NPC" Site Plan that includes a multiple-family residential structure. "R" District protection setbacks and screening requirements are specific guidelines applied to off-street parking areas in "NPC" Site Plans. This would require a 10'-wide landscaped bufferyard between any off-street parking and an adjoining residential property.
3. **Access or Parking:** Should the site be rezoned to "NPC" District, any redevelopment on the site must provide off-street loading and parking spaces in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - A) The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by Section 134-137(a).
 - B) Parking should not exceed the amount otherwise required by Section 134-1377 of the Zoning Ordinance.
 - C) Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - D) Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - E) On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - F) Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - G) Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.

The City's Ordinance typically requires 1-½ parking spaces per dwelling unit. The submitted conceptual site sketch indicates that each of the four dwelling units would have an attached

single-car garage and the property will include an accessory structure with five stalls and a surface parking lot with 7 stalls, for a total of 16 parking spaces. This would exceed the standard. In addition, any 2-way access drive to off-street parking would need to be 20'-wide. Otherwise the site plan could provide two 10'-wide access drives if they are marked for 1-way traffic.

4. Des Moines' 2020 Community Character Plan: Staff does not believe this site is ideal for the proposed multiple-family residential use given its location on a residential street with single-family family dwellings in the immediate vicinity both to the north and to the south. Therefore, the future land use designation should not be amended from Low/Medium Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor.

5. Urban Design: Should the site be rezoned to "NPC" District, any redevelopment of the site would have to comply with the following Design Guidelines within NPC Districts:

- A) Buildings should frame the street and maintain a minimal setback from the street.
- B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
- C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
- D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
- E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
- F) Building frontage should occupy at least 50 percent of the primary street frontage.
- G) The following bulk regulations should be observed:
 - 1. Minimum lot area:
 - a. Single-family detached dwelling, 5,000 square feet.
 - b. Single-family semidetached dwelling, 3,000 square feet.
 - c. Two-family dwelling, 6,000 square feet.
 - d. Multiple dwelling, 10,000 square feet.
 - e. Mixed-use project, 10,000 square feet.
 - f. Shelter for the homeless, 8,000 square feet.
 - g. No minimum requirement for permitted nonresidential uses.
 - 2. Minimum lot area per dwelling unit.
 - a. Row and multiple dwellings, 2,000 square feet.
 - b. Shelter for homeless, 300 square feet of lot size per resident.
 - 3. Front yard: minimum of zero feet.
 - 4. Side yards: minimum of zero feet.
 - 5. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
 - 6. Height: minimum of 15 feet, maximum of 45 feet.
 - 7. Number of stories:
 - a. Residential uses, a maximum of four stories.
 - b. All other permitted uses, a maximum of two stories.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Fran Koontz joined the meeting at 6:06 p.m.

Mike Simonson joined the meeting at 6:09 p.m.

The applicant was not in attendance to present the request.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individual spoke in favor of the request:

Eric Goldstein, owns 1161 22nd Street: Understood the requested development would increase the density but suggested it would be better than a vacant lot and he felt it was exciting that someone wanted to develop the site. Suggested it will have to be multi-family if it is going to be developed.

Kent Sovern: Asked what the normal procedure was when the applicant is not present.

Dann Flaherty: Explained the normal procedure to be to move forward.

Erik Lundy: Noted the applicant asked if they should be represented at the meeting and he suggested it would be in their best interests.

Larry Hulse: Asked if there was another way besides using NPC for the applicant to develop the higher density residential that would allow them flexibility with the yard since they can't meet the setbacks.

Erik Lundy: Explained the R-3 would be an option. There would be challenges to get access for their parking if they were going to rear-load the parking. They would need either a variance or another way to access the property, which there could be opportunity for to the west. Explained the applicant was planning for four parking stalls per unit and four bedrooms per unit.

Mike Ludwig: Explained the primary benefit the applicant is seeking under the NPC zoning is the minimal side yard setback. Staff felt NPC zoning would be appropriate if this parcel were combined with some of the adjoining parcels on University, but on a stand-alone single-family lot staff did not feel the NPC zoning was appropriate. He explained five years ago a residential down zoning was done in the Drake neighborhood at the request of the Drake Neighborhood Association. A significant portion of the area was previously zoned R-3 and R-4. Any area where a single-family house had been converted to a multi-family unit was down zoned to R1-60 and the multi-family design standards were added into the zoning ordinance to address when conversions do occur and there is an increase in density. The subject lot was down zoned to R1-60. The changes that are occurring in the Drake Neighborhood are a result of the down zoning and the reinvestment now occurring back into the neighborhood.

David Cupp: Suggested if the developer did not consider the Commission important enough to appear, the project should not be considered. He moved to move staff for denial and did not see any reason for further discussion.

The following individuals spoke in opposition:

Martha Schmidt, 2406 Kingman Blvd., President of the Drake Neighborhood Association: Explained the applicant did hold a neighborhood meeting, but the residents did not feel they had enough details and expressed concerns relative to the width of the driveway. Do not want to see the increased density on 22nd Street; they are opposed to the rezoning request.

Frank Affanato, 1128 22nd Street: Expressed concerns relative to the NPC allowing ease of parking requirements. He felt they already have too much parking in the neighborhood due to multi-family units. Explained the density is posing problems; did not want to further complicate the present problem.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Brian Millard: Moved staff recommendation for denial of A, B & C.

Motion passed 12-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2007 00075

Date 6-14-07

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

RECEIVED
JUN 18 2007

Print Name KATHY LANGFORD

Signature *Kathy Langford*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 1165-22nd St

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

Item 2007 00075

Date 6-14-07

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

RECEIVED
JUN 12 2007

Print Name Scott Stern

Signature *[Signature]*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 1169 22nd St

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

I think it will raise my property value - please make them provide off-street parking

28

Item 2007 00075

Date 6-13-07

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

RECEIVED

Print Name James D RADDATK

JUN 15 2007

Signature James D Raddatk

COMMUNITY DEVELOPMENT DEPARTMENT Address 6980 Cody DR #17 - WDM IT 50266

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

own 1157 & 1161 213^T & 2118 university

NO Objection

Item 2007 00075 Date 6/9/2007

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

RECEIVED

JUN 13 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Frank Affannato
Signature Frank Affannato
Address 1128 22nd St. DM 50311

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

We worked to have the zoning changed to its present form about 2 years ago and to revert to this proposed change will ~~probably~~ increase the problems with rental properties in the neighborhood

Item 2007 00075 Date 18 June 07

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

Suzanne Stewart

Suzanne Stewart

1153 23rd St

Print Name MARK BEQUEATH
Signature Mark Bequeath
Address 1153 23rd St.

RECEIVED

JUN 21 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

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

Plan is not complete or detailed enough at this time to approve. Would Recommend giving Mr. Denton another 60 days to provide additional information. Seems like a decent neighbor and I want development, just not enough info in current planning. NB