

October 13, 2008

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2008, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Home Opportunities Made Easy, Inc. (owner) represented by Pam Carmichael (officer) to rezone property located at 5119 Bel-Aire Road from "R-2" Two-Family Residential to a Limited "R-3" Multiple-Family Residential District, to allow a reconfiguration of the existing six (6) duplex properties to a property regime that has 12 separately owned single-family semi-detached units on common property owned and maintained by an owners association subject to the following conditions:

1. Only permitted uses are single-family residential, single-family semi-detached residential, and two-family residential.
2. All common areas shall be owned and maintained by a homeowners association.
3. Preparation of a Plat of Survey by the owner to be reviewed and approved by the Permit and Development Center and filed by the owner with Polk County.

The subject property is more specifically described as follows:

Lots 65-72, Westchester Manor Plat 5 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 October 27, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

.....
 Date..... October 13, 2008

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

(ZON2008-00124)

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

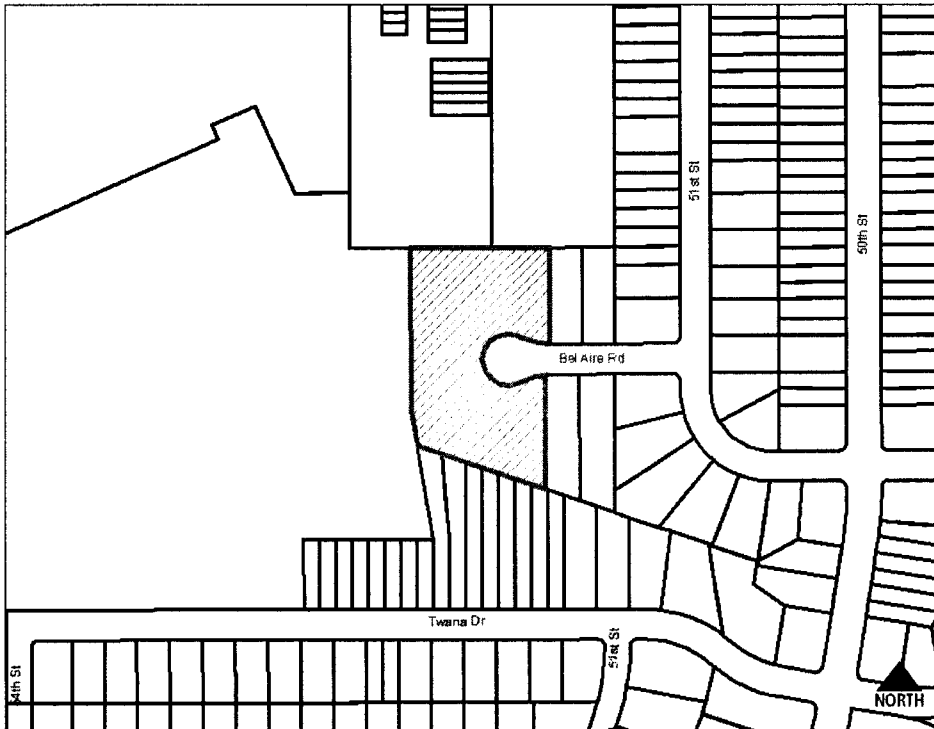
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

Request from Home Opportunities Made Easy, Inc. (owner) represented by Pam Carmichael (officer) to rezone property located at 5119 Bel-Aire Road.				File #	
				ZON2008-00124	
Description of Action	Rezone property from "R-2" One and Two-Family Residential to a Limited "R-3" Multiple-Family Residential District, to allow a reconfiguration of the existing six (6) duplex properties to a property regime that has 12 separately owned single-family semi-detached units on common property owned and maintained by an owners association.				
2020 Community Character Plan	Low-Density Residential.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R-2" One and Two-Family Residential District				
Proposed Zoning District	Limited "R-3" Multiple-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	11	0			
Outside Area					
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

HOME Inc. - 5117 - 5131 Bel-Aire Road

ZON2008-00124



September 29, 2008

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 September 18, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

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

APPROVAL of a request from Home Opportunities Made Easy, Inc. (owner) represented by Pam Carmichael (officer) to find the proposed Limited "R-3" Multiple-Family Residential District in conformance with the Des Moines' 2020 Community Character Plan's current land use designation of Low-Density Residential and to rezone property located at 5119 Bel-Aire Road from "R-2" Two-Family Residential to a Limited "R-3" Multiple-Family Residential District, to allow a reconfiguration of the existing six (6) duplex properties to a property regime that has 12 separately owned single-family semi-detached units on common property owned and maintained by an owners association subject to conditions. (ZON2008-00124)

Written Responses

- 11 In Favor
- 0 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends the Commission find the proposed Limited "R-3" Multiple-Family Residential District in conformance with the Des Moines' 2020 Community Character Plan's current land use designation of Low-Density Residential.



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

Part B) Staff recommends approval of the requested rezoning to Limited "R-3" Multiple-Family Residential subject to the owner agreeing to the following conditions:

1. Only permitted uses are single-family residential, single-family semi-detached residential, and two-family residential.
2. All common areas shall be owned and maintained by a homeowners association.
3. Preparation of a Plat of Survey by the owner to be reviewed and approved by the Permit and Development Center and filed by the owner with Polk County.

STAFF REPORT

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to rezone the entire site to a Limited "R-3" Multiple-Family Residential District only allowing for single-family and single-family semi-detached use. The applicant plans to convert the properties from rental duplexes to individually owned single-family semi-detached units having all the surrounding land owned and maintained in common under a homeowners association. HOME, Inc. proposes to stay involved as a non-voting member of the association, once all units are sold, in order to promote long term viability.

2. Size of Site: 2.47 acres.

3. Existing Zoning (site): "R-2" One and Two-Family Residential District.

4. Existing Land Use (site): Six (6) two-family dwellings.

5. Adjacent Land Use and Zoning:

North – "R-2" & "PUD", Uses are Meredith Drive Reformed Church and Northwoods Townhomes.

South – "R-2", Uses are single-family semi-detached dwellings.

East – "R-2"; Uses are a single-family dwelling and a two-family dwelling.

West – "R-3", Uses are Westchester Village Apartments.

6. General Neighborhood/Area Land Uses: The subject property is located in an area that transitions from single-family and two-family residential to multiple-family residential south of Meredith Drive and north of Aurora.

7. Applicable Recognized Neighborhood(s): Meredith Neighborhood Association.

8. Relevant Zoning History: N/A.

9. 2020 Community Character Land Use Plan Designation: Low-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. Traffic/Street System:** The subject property is located at the west terminus of a cul-de-sac. The rezoning will not allow for an increase in density and is not anticipated to generate any additional traffic from the current levels.
- 2. Access & Parking:** Each unit has a single-vehicle attached garage. The Zoning Ordinance requires one and two-family residential dwellings to have one space per dwelling unit, but allows for off-street parking in the front yard area. This allows each unit to have three spaces as currently configured.
- 3. 2020 Community Character Plan:** There is no proposed physical change to the development of the property. The conversion of the property from a two-family dwelling to single-family semi-detached dwellings each under separate ownership brings the property more into conformance with the current Low Density Residential future land use designation in the Plan. Staff believes that with the recommended conditions, the rezoning should be found in conformance with the Plan.

SUMMARY OF DISCUSSION

Erik Lundy: Presented the staff report and recommendation.

Pam Carmichael, 1111 9th Street, Suite 210: Stated that HOME Inc. has been in the community for over 40 years. She explained that they have typically done single family, infill housing, new construction units, as well as, acquisition rehabilitation units and provide different models of home ownership. They became interested in buying these units in the northwest part of Des Moines because that is an area that their clients cannot usually afford housing. Since they do homeownership models it is also an area where they usually cannot afford to acquire and rehab housing that clients can afford. When public housing determined that they were going to begin selling their inventory of housing, these units popped up on HOME Inc's radar because they are in an area of town where they have people that would like to live in that area but have been priced out of that market. These are units that are being rehabbed and they have decided to utilize a condominium association because it is another model for their clients that they typically cannot take advantage of.

They have developed a horizontal regime and a homeowners association. Each owner will be a member of that association and HOME Inc. will remain on that board as an ex-officio member to assist any residents with any issues they may have. They must also have a private management firm to ensure they have expert assistance in determining what needs to be replaced down the line and what needs to be maintained.

JoAnne Corigliano: Voiced concern about the kinds of traffic this project will create because it is in a cul-de-sac and she wants to be sure that something is being considered.

Pam Carmichael: Stated that these were family public housing before, so most of these units were occupied by houses with children. A low income couple or moderate income couple can buy these units. We could also have singles buy these units so we believe that the density for these will go down. Each driveway will accommodate two cars.

CHAIRPERSON OPENED THE PUBLIC HEARING

Kent Sovern: Asked if in the original agreement to convert from public housing to this, are there restrictions to income levels of who they can sell to.

Pam Carmichael: Stated the units have to be sold to individuals at or below 80% of the area median income and have to remain so for ten years.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jacqueline Easley: Moved staff recommendation.

Motion passed 8-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2008 00124

Date 7 sep 08 31

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

(Circle One)

RECEIVED

SEP 9 2008

Print Name _____

Ronald K. Williams
4141 53rd St.
Des Moines IA 50310

Signature _____

Address _____

COMMUNITY DEVELOPMENT
DEPARTMENT

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

Neighborhood Improvement

Item 2008 00124

Date 9-16-08

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

(Circle One)

RECEIVED

SEP 22 2008

Print Name _____

Melisa Forbes

Signature _____

[Handwritten Signature]

Address _____

5017 TWANA DR DSM IA
50310

COMMUNITY DEVELOPMENT
DEPARTMENT

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

Item 2008 00124

Date 9/5/08

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

RECEIVED
(Circle One)

SEP 15 2008

COMMUNITY DEVELOPMENT

Print Name

Unnie Goodwin

Signature

4526-51st St DM

Address

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

Blank lines for notes

Item 2008 00124

Date 9-9-08

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

RECEIVED
(Circle One)

SEP 11 2008

COMMUNITY DEVELOPMENT

Print Name

Mary Jackson

Signature

Mary Jackson

Address

5014 Bal Ave Rd

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

Blank lines for notes

Item 2008 00124

Date 9-8-08

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

RECEIVED
(Circle One)

SEP 15 2008

COMMUNITY DEVELOPMENT

Print Name

Julie Sedore

Signature

Julie Sedore

Address

5294 Meredith Dr

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

Blank lines for notes

Item 2008 00124 Date 9-4-08

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

RECEIVED

Print Name Shirley Kusel
Signature Shirley Kusel
Address 5728 Meredith

SEP 9 2008

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item 2008 00124

Date 9/4/08

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

RECEIVED

SEP 8 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Mr Charles Holt
4530 51st St
Des Moines, IA 50310

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

Item 2008 00124

Date 9-12-08

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

(Circle One)

RECEIVED

SEP 7 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Meredith Drive Reformed Church
Signature Mary Wade Jeff
Address 5728 Meredith Drive

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

Improve property with a sign
ownership of land & maintenance
Residents taking pride in
ownership.

Item 2008 00124 Date 7-7-08

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

RECEIVED

Print Name BRUCE D. NEWBOFF
Signature Bruce D Newboff
Address 5278 MERCANTILE DRIVE

SEP 8 2008

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item 2008 00124 Date 9-4-08

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

RECEIVED

Print Name DIANA L. SUERA
Signature Diana L. Suera
Address 5107 BEL AIRE RD

SEP 8 2008

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item 2008 00124 Date 9-10-08

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

RECEIVED

SEP 11 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Ellen Gaudineer
Signature Ellen J Gaudineer
Address 4520 51st St DCN, 50310

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

I really don't care either way

