

.....
Date..... April 9, 2012

WHEREAS, on March 26, 2012 by Roll Call No. 12-0457, it was duly resolved by the City Council that the application of Home Opportunities Made Easy, Inc. to rezone certain property located in the vicinity of 1303 and 1305 Clark Street and 1512 and 1516 13th Street from the R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple Family Residential District classification, more fully described below, be set down for hearing on April 9, 2012, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on March, 29, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property (the "Property"):

South 88.75 feet Lots 1 & 2 and all Lots 11 and 12, Block 2, Laymans 3rd Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple Family Residential District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners, except for that property located at 1512 13th Street which is owned as titleholder by the City of Des Moines, and the contract purchaser of the property and are binding upon the owners, contract purchasers and their successors, heirs and assigns as follows:

- (1) Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
- (2) Any reconfiguration of the lots shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
- (3) Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
- (4) Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:

Exterior building materials shall be reviewed and approved by the Community Development Director.

.....
Date..... April 9, 2012

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- (5) Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
 - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
 - b. The window on the front of each dwelling unit's ground floor shall be expanded to be a triple-window.
 - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

WHEREAS, pursuant to Iowa Code Section 414.3, by virtue of the City's ownership of 1512 13th Street the City Council's agreement is necessary to subject that property to the conditions set forth above to the rezoning to a Limited R-3 classification; and

WHEREAS, because the property owner of 1516 13th Street is unable to execute the Acceptance of Rezoning Ordinance by the close of the public hearing and is therefore unable to comply with Iowa Code Section 414.5 which requires that all property owners agree in writing to the conditions imposed by the limited rezoning, staff requests that the public hearing on the proposed rezoning to the Limited R-3 classification be continued to the April 23, 2012 City Council meeting.

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

1. The City Council hereby accepts on behalf of the City of Des Moines, Iowa the following conditions and limitations on the rezoning of property located at 1512 13th Street:

- (1) Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
- (2) Any reconfiguration of the lots shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
- (3) Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
- (4) Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:
 - Exterior building materials shall be reviewed and approved by the Community Development Director.

Date April 9, 2012


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- (5) Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
 - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
 - b. The window on the front of each dwelling unit's ground floor shall be expanded to be a triple-window.
 - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

2. The public hearing on the proposed rezoning is opened, and hereby continued to April 23, 2012 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

MOVED by _____ to adopt and to continue the public hearing to April 23, 2012, at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

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

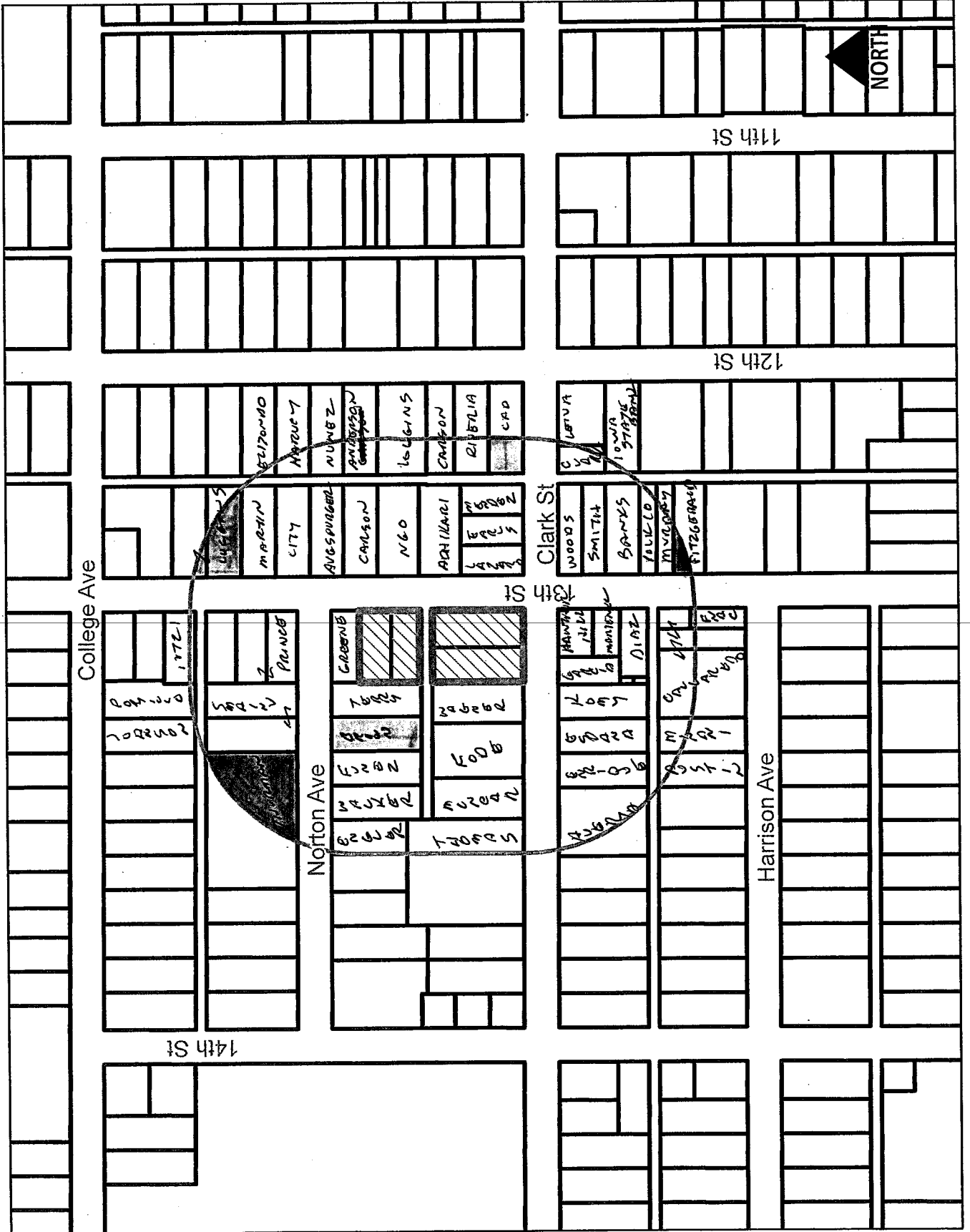
Request from HOME, Inc. (purchaser) represented by Pam Carmichael (officer) to rezone properties located at 1303 and 1305 Clark Street, and 1512 and 1516 13 th Street. The subject property is owned by the 610 40 th , LLC, the City of Des Moines, and Jack Deleon Construction, Inc.			File # ZON2012-00019	
Description of Action	Review and approval to rezone the property from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple Family Residential District, to allow for development of two small-lot two-family dwellings and one small-lot single-family dwelling.			
2020 Community Character Plan	Low-Density Residential			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	Limited "R-3" Multiple-Family Residential District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	2		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Home Inc. - 1516, 1512 13th Street & 1303, 1305 Clark Street ZON2012-00019



ZON2012-00019

Home Inc. - 1516, 1512 13th Street & 1303, 1305 Clark Street



Date _____

Agenda Item 49

Call # _____

March 21, 2012

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 March 15, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			

APPROVAL of a request from HOME, Inc. (purchaser) represented by Pam Carmichael (officer), the 610 40th, LLC, the City of Des Moines, and Jack Deleon Construction, Inc. (owners) for properties located at 1303 and 1305 Clark Street, and 1512 and 1516 13th Street Part A) to find the proposed rezoning **not** in conformance with the Des Moines' 2020 Community Character Plan's Low-Density Residential designation.

By separate motion Commissioners recommended 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			

Christine Pardee	X
Mike Simonson	X
CJ Stephens	X

APPROVAL of a request from HOME, Inc. (purchaser) represented by Pam Carmichael (officer), the 610 40th, LLC, the City of Des Moines, and Jack Deleon Construction, Inc. (owners) for properties located at 1303 and 1305 Clark Street, and 1512 and 1516 13th Street Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan future to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential; and Part C) to approve the request to rezone the property to "R-3" Multiple-Family Residential District, subject to the applicant agreeing to the following conditions: (ZON2012-00019)

1. Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
2. Any reconfiguration of the lots shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
4. Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:
 - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
5. Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
 - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
 - b. The window on the front of each dwelling unit's ground floor shall be expanded to be a triple-window.
 - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

Written Responses

3 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 Des Moines' 2020 Community Character Plan's Low-Density Residential designation.

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

Part C) Staff recommends approval of the request to rezone the property to "R-3" Multiple-Family Residential District, subject to the applicant agreeing to the following conditions:

1. Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
2. Any reconfiguration of the lots shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
4. Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:
 - a. The dwelling shall be constructed with horizontal cedar or cement board overlap siding.
5. Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
 - a. The structure shall be constructed with horizontal cedar or cement board overlap siding.
 - b. The window on the front of each dwelling unit's ground floor shall be expanded to be a triple-window.
 - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to reconfigure the parcels known as 1303 & 1305 Clark Street to accommodate construction of a two-family dwelling (duplex) and a single-family dwelling. The appellant is also proposing to combine the parcels known as 1512 & 1516 13th Street to accommodate construction of a second two-family dwelling (duplex).
2. **Size of Site:** 23,331 square feet (0.54 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Use is single-family residential.
 - South** - "R1-60", Use is single-family residential.
 - East** - ""R1-60" & "R-2", Uses are single-family residential and undeveloped land.
 - West** – "R-2" & "R1-60", Uses include a two-family residential use (duplex) and Christopher's Fine Jewelry retail use.

6. **General Neighborhood/Area Land Uses:** The surrounding properties are primarily used for single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** Mondamin-Presidential Neighborhood.
8. **Relevant Zoning History:** NA.
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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The 2020 Community Character Plan currently designates the subject property as Low-Density Residential, which allows only single-family residential dwellings. Therefore, any rezoning of the property to Limited "R-3" Multiple-Family Residential District to allow a two-family dwelling unit would require amending the future land use designation to Low/Medium Density Residential. Staff believes that revising the properties to Low/Medium Density Residential is appropriate so long as use of the property is limited to single-family residential, single-family semi-detached residential, and two-family residential.
2. **Urban Design:** The conceptual building elevations submitted with the rezoning application indicate that the two proposed two-family (duplex) structures would each be two-story with 1,206 square feet of a living space and a 4-foot by 11-foot (44 square feet) front porch. The single-family dwelling would be one-story with 1,120 square feet of living space and a 4-foot by 28-foot (112 square feet) front porch. Proposed building materials on all dwelling units would include 42mil-thick vinyl horizontal lap siding with accent shakes and architectural style asphalt shingles.

Staff recommends that any dwelling unit be constructed with horizontal cedar or cement board overlap rather than the proposed vinyl siding. Staff notes that during discussions with the applicant regarding building materials, the applicant indicated that the cost of using materials other than vinyl is prohibitive.

Staff also recommends that all dwelling units be constructed in accordance with the submitted designs, subject to the front elevation of the two-family dwellings being revised to include a triple-window on the ground level and at least three roof supports under the gable.

3. **Natural Site Features:** The site contains several of mature overstory trees. Any tree removals on the site will be subject to the provisions of the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

4. **Additional Information:** In accordance with City Code Section 134-1276(c)(1), any one-family or two-family dwelling without either a basement or garage must provide an accessory storage building of at least 80 square feet per dwelling unit. The submitted sketch demonstrates storage building located immediately to the rear of each dwelling unit.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Pam Carmichael, Director - HOME Inc. 1111 9th Street, Suite 210 stated that they have worked on this project for about a year. They have worked with Mondamin Presidential and King Irving Neighborhood Association during the formation of this project. They want to provide permanent rental housing for extremely and very low income housing with children. They want to support housing during transitioning out of House of Mercy to affordable housing. HOME Inc will act as the developer and the House of Mercy will act as management for the units. The project calls for two duplexes and one single-family dwelling and all are three bedrooms. They have amassed about \$725,000 through a number of sources. CDBG, FHLB, PCHT, IFA and HOME funds will be used. The rental cost would run \$525/month which is below market. They met with the Mondamin Presidential Association on February 20 and received their approval for this project. On March 1, 2012 five residents came to that meeting. Two were representatives of the neighborhood associations and three were residents on Norton Avenue. At that time two of the residents on Norton Avenue were opposed to multi-family, since that time they have addressed their concerns and they got a phone call this morning that the Norton Avenue residents are supporting this project. They are in agreement with staff recommendations. However, the requirement to use cement board siding would be very costly. Instead they would like to use 7" vinyl lap siding. They have received a bid for the 7" cement board lap siding for \$3,800 more per unit which would probably raise the cost of rent. She showed that a couple of homes in the area have vinyl siding that represents the character of the neighborhood very well.

Jacqueline Easley asked for clarification of the relationship between HOME Inc. and House of Mercy.

Pam Carmichael stated that it would be a contractual agreement between HOME Inc. as the owner and the House of Mercy as management.

Tim Fitzgerald asked what is the average turnover time anticipated.

Pam Carmichael stated the average time is about one to two years. The average time at House of Mercy is about 18 months in which most women complete the work they need to do after about a year but are unable to leave because they cannot find affordable housing.

Tim Fitzgerald asked is there a lease signed with the tenant.

Pam Carmichael stated yes, and as a condition of receiving money from FHLB the women who are receiving services now will continue to receive supportive services.

Will Page asked how long HOME Inc anticipates ownership of the property.

Pam Carmichael stated that they anticipate a long term commitment.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Ted Irvine asked if there was some administrative approval where staff could work with the applicant to make the cost more affordable somewhere else in place of the alternative to the siding.

Jason Van Essen stated yes, if there is not a mandate to prohibit material then there is no reason why a type of material will not be allowed.

Will Page stated that he would typically vote no except in this instance HOME Inc has been around for a very long time and have developed a great reputation. Therefore, he will be voting in favor.

CJ Stephens asked about the proof of the Neighborhood Association and Norton Avenue residents being in favor of this project.

Jason Van Essen explained that all of the responses received before the Council meeting will be forwarded to the Council.

COMMISSION ACTION:

Mike Simonson moved staff recommendation Part A) to find the proposed rezoning not in conformance with the Des Moines' 2020 Community Character Plan's Low-Density Residential designation.

Motion passed 10-0.

Mike Simonson moved staff recommendation Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan future to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential; and Part C) to approve the request to rezone the property to "R-3" Multiple-Family Residential District, subject to the applicant agreeing to the following conditions:

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 - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2012 00019

Date 3/16/12

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

family lets leave if this way
IT single
well. (will we have the same smoking issues at 13th as well?)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Richard Thurman

Signature Richard V. Thurman

MAR 19 2012

Address 1323 Norton Ave

DEPARTMENT

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

We do not ever recall a problem from the women at House of Mercy (other than the congestion & looks of the smoking at the area of 14th & Clark. However this ^{area} is a residential, single family homes and putting sevrices at 13th & Clark as well as 14th & Clark is a bit much in one area.

they will be non smoking as

Item 2012 00019 Date 3-9-12

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

(Circle One) in favor of the request. Print Name TUAN LAO

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

MAR 19 2012 Address 1502 12th ST DEN IA 50314

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

Item 2012 00019 Date 3-7-2012

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

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

MAR 19 2012

Print Name Roger-Sharon Fitzgerald
Signature Sharon Fitzgerald
Address 1433-13th

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

There is too MANY CARS ON THE
STREETS NOW! WILL CAUSE A LOT
OF CONGESTION ON 13th & CLARK
INTERSECTION!

Item 2012 00019

Date March 6, 2012

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Floyd N. Loggins

Signature Floyd N. Loggins

MAR 19 2012

Address 1537 13th DSM Ia. 50314

DEPARTMENT

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

Dont expose Dont bother me
one way or another!

Item 2012 00019

Date 3-9-2012

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Sharon K Brown

Signature Sharon K Brown

MAR 19 2012

Address 1312 Norton Ave

50314

DEPARTMENT

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

