



Date June 24, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2013, its members voted 11-1 in support of a motion to recommend DENIAL of a request from Kelli Wulfekuhle (owner) to rezone property in the vicinity of 1617 Oakland Avenue from R1-60 One-Family Low-Density Residential to R-3 Multiple Residential District, to allow the future consideration of a Conditional Use Permit for the premises for a correctional placement residence use subject to Section 134-552(9) of the Zoning Ordinance.

The subject property is more specifically described as follows:

(Except the East 150 feet) the North 110 feet of the South 225 feet, Lot 47, Oakland, an Official Plat, and the West 20 feet of the East 105 feet of the South 115 feet, Lot 47, Oakland, 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 15, 2013, 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.

FORM APPROVED: MOVED by _____ to adopt.

Michael F. Kelley
Assistant City Attorney

(ZON2013-00065)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

June 12, 2013

Date _____

Agenda Item 20

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 June 6, 2013, the following action was taken regarding a request from Kelli Wulfekuhle (owner) to rezone property in the vicinity of 1617 Oakland Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

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

APPROVAL of Part A) to find the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan;

By separate motion Commissioners recommend 11-1 as follows:

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

Commission Action:	Yes	Nays	Pass	Absent
Mike Simonson				X
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

DENIAL of Part B) to approve the amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Medium Density Residential; and

Part C) **DENIAL** of the requested rezoning to "R-3" Multiple Family Residential District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan.

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

Part C) Staff recommends denial of the requested rezoning to "R-3" Multiple Family Residential District.

Written Responses

- 0 In Favor
- 9 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to legally occupy the dwelling on the premises for a correctional placement residence that would house up to 25 beds.
2. **Size of Site:** 18,140 square feet.
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** The property has been determined to be out of use and was determined vacant in August of 2012. It was previously authorized as a supervised group residence for Harbor of Hope Mission with a Variance for separation from other supervised group residences granted in November of 1986. After the supervised group residence vacated the property in August 2012, it has since been re-occupied with an illegal use for a correctional placement residence. Under the current zoning the property would only be permitted to be reoccupied as a single-family dwelling. It would need separation relief from the Board of Adjustment to reoccupy as a supervised group residence.
5. **Adjacent Land Use and Zoning:**

North – "R-3", Use is a five-unit multiple-family dwelling conversion.

South – “R1-60”, Uses are a two-family dwelling and a church.

East – “R-3”, Use is a four-unit multiple-family dwelling conversion.

West – “R-3”, Use is an 18-unit multiple-family dwelling.

6. **General Neighborhood/Area Land Uses:** The subject property is located a block east of the 6th Avenue mixed-use corridor. It is also within the River Bend Local Historic District. The area is characterized by large multi-story single-family dwellings and multiple-family conversions.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the River Bend Association Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 17, 2013. Additionally, separate notifications of the hearing for this item were mailed to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the rezoning on May 17, 2013 (20-days prior) and May 24, 2013 (10-days prior). A Final Agenda was mailed to the neighborhood association on May 31, 2013. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The River Bend Association Neighborhood Association notices were mailed to Mike Hildebrand, 410 Franklin Avenue, Des Moines, IA 50314.
8. **Relevant Zoning History:** On November 19, 1986, the Board of Adjustment granted a Variance to the one-quarter mile separation provision for supervised group residences to allow occupancy as a new supervised group residence within proximity to an existing supervised group residence. At this time the property was zoned “R-3”. However, there is not a record of a request for a Conditional Use Permit in “R-3” to allow a correctional placement residence and a variance of the same separation provision.

On October 27, 2008 the City Council rezoned the property from “R-3” to “R1-60” as implementation of the River Bend Neighborhood action plan. The rezoning was in response to an effort by the neighborhood to reduce density and encourage density reduction within dwellings that had been converted from single-family to multiple-family. Properties that were built as multiple-family dwellings or which conformed to lot area per unit standards were not rezoned.

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.

Should the property be rezoned to “R-3” as requested, the applicant has indicated intent to also request a Conditional Use permit for a correctional placement residence under the following standards in the Zoning Ordinance:

Correctional placement residence means a residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of:

- (1) Probation;
- (2) Work release while serving a sentence in a correctional institution; or
- (3) Assignment to the judicial district department of correctional services after receiving a deferred sentence.

Supervised group residence means a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided that family homes, hospitals, **correctional placement residences**, and nursing, convalescent and retirement homes are not included within this definition.

Sec. 134-552. Principal permitted uses.

Only the following uses of structures or land listed shall be permitted in the R-3 multiple-family residential district:

- (9) Conditional use for correctional placement residences, subject to the following:
 - a. No such use shall be commenced or expanded without the approval of the board of adjustment as a conditional use after public hearing. In its determination, the board of adjustment shall consider all the following:
 - 1. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
 - 2. Such use shall not impair an adequate supply of light and air to surrounding property;
 - 3. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
 - 4. Such use shall not diminish or impair established property values in adjoining or surrounding property;
 - 5. Such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan; and
 - 6. The proposed location provides the residents with adequate access to public transportation. Any permit for such use shall be subject to reconsideration by the board if at any time the zoning enforcement officer determines that the operation of the facility has become detrimental to the neighborhood.
 - b. Each bedroom shall contain (i) beds for no more than four residents, (ii) a minimum of 80 square feet of usable floor space per bed, except a minimum of 60 square feet of usable floor space per bed shall be

permitted for those correctional placement residences that are constructed after July 1, 1991 and are owned or leased and administered by the fifth judicial district department of correctional services as part of a community-based correctional program under I.C. ch. 905, and (iii) usable floor space of no less than eight feet in any major dimension. For purposes of computation of usable floor space, that part of the room having no less than seven feet of ceiling height shall be used. Rooms in which beds are located shall not be used for purposes other than bedrooms.

- c. Each such facility shall contain at least one lavatory and one toilet per ten residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. There shall be a minimum of one bathroom with tub or shower, toilet and lavatory on each floor which has resident bedrooms.
- d. Each such facility shall contain areas for dining and recreational purposes. When space is provided for multipurpose dining and recreational purposes, the area shall total at least 30 square feet per resident bed. When space is provided to be used only for dining, the area shall total at least 15 square feet per resident bed. When space is provided to be used only for recreational purposes, the area shall total at least 15 square feet per resident bed, and at least 50 percent of the required area must be in one room.
- e. Each such facility shall provide supervision 24 hours a day by persons responsible for the care of the residents.
- f. No new such facility shall be located within one-fourth mile of any existing supervised group residence, family home, correctional placement residence, or shelter for the homeless, except where such facilities are separated from each other by a freeway or river.
- g. The requirements of subsections (9)b, (9)c and (9)d of this section shall not apply with respect to those facilities licensed and regulated as health care facilities by the state department of public health.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. **Traffic/Street System:** Access to the site would be provided via an access drive connection from College Avenue. The applicant is seeking to rezone a detached parcel that includes an unimproved access drive. This access passes through the adjoining multiple-family site to the east. This drive also provides access to a church site to the southeast of the subject dwelling.
- 2. **Parking:** The indicated proposed use of a correctional placement residence would require one parking space per eight beds, plus one space per two non-resident employees, plus one per resident employee. In this case the applicant has indicated intent for 25 beds and one resident employee, which would require five off-street parking spaces. By contrast, if the property would be rezoned to "R-3", the property contains enough land area to allow for up to six multiple-family units which would require a minimum of nine off-street parking spaces.

- 3. **2020 Community Character Plan:** The Des Moines' 2020 Community Character Plan identifies the area requested for rezoning within the Low Density Residential designation. Amending the Plan to include the subject property within a Medium Density Residential designation would be contrary to the intent of the River Bend plan. This would be necessary in order to add new "R-3" zoned property. A supervised group residence once legally occupied the property.
- 4. **Staff Analysis:** The current property is being occupied illegally for a correctional placement use. The applicant indicates that the previous owner had conducted a similar correctional placement residence on the premises. There is no evidence that this was ever conducted legally under the provisions of the Zoning Ordinance.

In looking at the structure, there are challenges to converting the home strictly for single-family use and be able to market it as such. The dwelling has nearly 6,000 square feet of living area. The applicant would have the option of seeking the Variance of separation again to allow it to be re-occupied as a supervised group residence. This would not allow residents placed by the judicial system.

In looking at the possibility of the reuse of the property for a multiple family dwelling, staff believes that the amount of area available for off street parking that would meet minimum standards would only warrant a maximum of four units, unless the site were redeveloped to remove an existing garage and several mature trees. The applicant has not provided any evidence of the intent or ability to make such a redevelopment.

The River Bend neighborhood plan and the City Council's action to down zone the property are indicators of the intent to reduce density, not increase density, within the neighborhood. Moving to a multiple-family zoning and dwelling use would be contrary to that intent. Re-occupancy as a supervised group residence or correctional placement residence also violates the intent of the Zoning Ordinance as there are two existing Polk County Health Services group homes at 1730 Arlington Avenue and 1812 Oakland Avenue within one-quarter mile of the subject property. Based on these factors Staff cannot support a rezoning of the property as requested.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Mike Ludwig confirmed that the rezoning from "R-3" to "R1-60" that was done in the neighborhood was of non-conforming structures. If structures were built as multi-family structures or conforming conversions in the neighborhood those remained zoned "R-3". Therefore, the goal was to reduce the density of non-conforming conversions that had occurred over time as they were deemed to be detrimental to the neighborhood.

Erik Lundy stated that as long as this property remained as a supervised group residence it was a legal non-conforming use under the current zoning.

Greg Wattier asked if staff knows if this proposal is a conforming or non-conforming use.

Erik Lundy stated a correctional placement residence is not allowed in the "R1-60" district. The previous supervised group residence received a variance of the ¼ mile separation requirement as long as it was in continuous use by the grantee which was Harbor of Hope

Mission. Because Harbor of Hope Mission sold the property, the relief to the separation requirement lapsed.

Mike Ludwig stated if the zoning was denied and it remained zoned "R1-60" the applicant could still go to the Board of Adjustment and seek a variance of separation for a supervised group residence. The correctional placement would not be permitted under "R1-60" zoning.

Erik Lundy stated if the zoning were denied the applicant could also seek a use variance from the Board of Adjustment for a correctional placement residence.

Greg Wattier asked if there was a list of complaints from zoning enforcement in regards to this property.

Erik Lundy stated that zoning enforcement has gotten complaints. Currently, staff do not have the details of the complaints. However, the complaints are what initiated this rezoning application. As soon as the violation notice was issued the applicant came in for a pre-application meeting.

JoAnne Corigliano asked how many group homes are in the vicinity.

Erik Lundy stated the two that would be in question with regards to the separation distance are actually north of this property. Both of them are operated by Polk County. One is on this same street and one on Arlington.

JoAnne Corigliano asked currently what is in the building of this property.

Erik Lundy stated he understands that there is still some residence occurring. While the rezoning application is pending the enforcement is stayed, unless there is life safety consideration.

Greg Wattier asked about the condition of the facility.

Erik Lundy stated there were some concerns in regards to the condition. Some of the systems had failed with the property i.e. sewer.

Kelli Wuelfekuhle 1306 SE Trileine Dr., Ankeny stated she would like staff to receive and file a petition in favor of the applicant being in the neighborhood. She gave a brief history of the building. She did note that the house sat vacant from July 2012 to November 2012. The applicant became involved because she was a volunteer at the Harbor of Hope Mission. When the Harbor of Hope Mission moved she continued to volunteer for a short time before deciding to open her own facility. She purchased the property and has remodeled the entire inside. She believes that this would be a safe, structured environment after release from prison, jail or some type finding of treatment program. Classes, education, computers, help with resumes, and help find jobs are just a few things that would be offered.

January 2013 to April 2013 there were residents in the building. In April 2013 the sewer had to be repaired which cost about \$20,000. The house was condemned because there was no running water and the sewer had gone out so the residents could not stay there. The applicant notes that she put all of the residents up in hotel rooms because they had no place to go. Once the building was no longer condemned the residents moved back in the

building. A couple of days following this event she was notified that the property had to be vacated because of a zoning violation.

Immediately, the probation officers the Department of Corrections called and came over and all of the residents were placed somewhere else. Some of the residents ran, some relapsed, and some went to Fort Des Moines. Currently, there are about 4 to 5 people on the property who are not involved with corrections in any way. They are men who want to get better practicing recovery and are involved in some kind of treatment program. She was told that 3 to 4 people could stay there until the proposal was settled and a final decision was made.

The applicant stated that when she purchased this property she was unaware that the zoning would have to be changed or that she would possibly not be able to complete her proposal. Had she known she probably would not have purchased the property. Especially, if it was going to be a single-family dwelling. It has ten bedrooms and nine bathrooms and if she has to sell it she believes that she would have a hard time marketing it as a single-family home. She has invested a great deal of money and asked that the Commission grant her request.

Vicki Stogdill noted the wording in the text of the petition states that the applicant was asking for signatures to support a recovery program but not necessarily correctional placement residence.

Kelli Wulfekuhle stated she did tell the people who signed the petition that the people who would be living there are people from either jail, prison or some type of treatment facility.

Vicki Stogdill reiterated that the heading on the petition only says something about recovery and she wants to make sure that it was clear to the people who signed the petition that this facility would be for a correctional placement residence.

Christine Pardee asked if the applicant's organization is a 501(c)3.

Kelli Wulfekuhle stated that she has applied for a 501(c)3 status and she is still waiting a determination.

Jacqueline Easley asked if the applicant had contacted the City staff to find out what uses were permitted prior to purchasing the property.

Kelli Wulfekuhle stated that she had talked to Bob Reynolds, City Building Inspector. He came out and looked at the property and he was very impressed with what they were doing and at that time he did not indicate that they would have to ask for rezoning. If she had known this to be the case she may not have purchased the property or she would have started the process right then.

John "Jack" Hilmes asked if an attorney was involved in the real estate transaction that enabled the applicant to purchase this property.

Kelli Wulfekuhle stated the Harbor or Hope had an attorney that handled everything. In the purchase contract with the Harbor of Hope it states that the property will remain the same and will be used for the same purpose.

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John "Jack" Hilmes stated that his question went largely to the concept of a title opinion by an attorney describing the encumbrances on the property and the zoning that you should be aware of.

Kelli Wulfekuhle stated that she did not speak to an attorney. She reiterated the wording on the purchase contract.

John "Jack" Hilmes asked if the applicant possessed the abstract of title.

Kelli Wulfekuhle stated yes she had the abstract.

Dann Flaherty asked if the applicant ever got a title opinion or saw a title opinion before she closed.

Kelli Wulfekuhle stated she did not.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of the applicant's request:

Andy Anderson Mercy Park Apartments stated the Harbor of Hope Mission has been in operation for 28 years. In fact during half of those 28 years he was the executive director. He wants the Commission to be aware of the fact that there is a vital need for this type of facility in Des Moines and asked that the Commission consider the applicant's request.

Will Page asked is there need for this type of housing in the metropolitan area.

Andy Anderson stated yes it is.

Greg Jones asked how were the people of Harbor of Hope different from the people that the applicant is trying to help. Did Harbor of Hope house correctional placement residents?

Andy Anderson stated they had people that met the correction requirement. Most were coming out of alcohol or drug treatment which was one of the requirements before coming to the Harbor of Hope. From day one there were people who had been in and out jail or on probation or parole.

Dann Flaherty asked if those people were under correctional order at the time that they were at the Harbor of Hope.

Andy Anderson stated they were not.

Ronald Molin Bethel Mission stated that he is an ex-inmate and was released from a correctional facility April 3. He was one of those who had to vacate this property. He watched others around him go back to what they were doing before. He chose not to. He got a job and continues to attend meetings. Where he had to go was not a good environment. He believes the applicant's request is the best outcome for people like him. Even though the people the applicant is requesting to help have been incarcerated they are not all bad people. They make mistakes and the applicant's proposal will give them a chance to turn their lives around.

Steven Anderson 1047 Kirkwood Avenue stated he is a former resident. He is currently drug free and attributes that to having the Harbor or Hope to go to after being released on probation because he did not have anywhere else to go. He is being considered to become a drug and alcohol counselor. He has been working for the last three years for the Bridges of Iowa. There are a lot of people sitting in prison looking for somewhere to go. He believes this could be one of those houses that will provide a place to come to. It is right on the bus route and within walking distance of a parole office. He stated that this place saved his life and would like for the Commission to consider approving the applicant's request.

Christine Pardee asked if he was also on the Board of Directors of this organization.

Steven Anderson stated yes.

Mary Lipper 6120 E. Oakwood, Pleasant Hill stated she would like to speak for some of the residents who have used this facility. Her son was a resident for a short time and he has been in and out of treatment programs but when he went to One-Way Recovery it was clean, it was drug free and a place where he felt wanted. He began to be responsible and that was due to the director, Kelli Wulfekuhle. She has a great sense of pride in keeping that house as an asset to the community. Please consider approving the applicant's request.

The following spoke in opposition of the applicant's request:

Mike Hildebrand 410 Franklin Avenue. The River Bend Neighborhood President stated they are concerned with reversing anything that the neighborhood has worked for up to this point. They are concerned with how the facility has been operating, and while he is compassionate to these individuals plight he doesn't think that this is the area for this facility to be located.

Leslie Schmalzried 2203 196th Ct., Winterset stated she and her husband own the property located at 1639 Oakland. While they understand the frustration the applicant may be going through since they also had some frustration when they purchased the property on Oakland, they have now gutted it to make it a single-family dwelling. Her concern is the applicant did not do the research that was needed.

Greg Jones asked about the square feet of structure on Ms. Schmalzried property.

Leslie Schmalzried stated it is about 2,016 square feet.

Greg Jones asked what should happen to the structure on the applicant's property which is over 6,000 square feet.

Leslie Schmalzried stated she does not know what should happen.

Steve Schmalzried 2203 196th Ct., Winterset stated his concern is the number of kids in the neighborhood. There are houses in the vicinity with 4,000 and over 5,000 square feet that are now single-family. He believes that the applicant can do the same.

John Larson 306 College stated he is in opposition of the applicant's request because of safety. He has small kids and the driveway runs right into his house and the traffic comes

in there very fast and winds up in his yard: With small kids he is also concerned with the number of people who would be staying on that property.

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Candace Jones 306 College Avenue stated she has safety concerns. She had to call the police due to people loitering on the street while waiting for vehicles to pick them up. The thought of 25 men in the home so close to her house also causes a great deal of concern since she has small children. The lights are another concern because it shines in her windows, and if this proposal is granted she would like for the lights to be addressed. The driveway is a shared driveway which might also cause some concerns. The neighborhood is cleaning up and it is more enjoyable now. She also pointed out that all of those who spoke in favor of the applicant's request do not live in the area.

Rebuttal

Kelli Wulfekuhle stated the density will not change. When the Harbor of Hope was open they had well over 25 men living there and there have always been correctional placement residents there in the past. She is not planning to increase the number of residents. Twenty-five people is the maximum and she does not want the maximum living there because it becomes very crowded. Twenty-five is just a number of occupancy that this property can have living there. There is nothing she can do about the driveway situation. It is a very unique type of setting. There is ample parking and lighting for this property and they take care of their yard.

Greg Jones asked what is the ratio of people who need to be correctional placement residents and does the applicant need the correctional placement residence designation.

Kelli Wulfekuhle stated yes and no. Yes because there is a huge need for it and that is where she gets a lot of her residents. If she were to have a supervised group home which prohibited correctional placement residents then she would probably be only half full.

Greg Jones asked if the new Harbor of Hope allows correctional placement residents.

Kelli Wulfekuhle stated yes they can. There are other places. The problem is they are full. She has a stack of letters from inmates from all over Iowa, South Dakota and Omaha. People who are waiting and are released from prison but they have no place to go.

Jacqueline Easley asked about the alleged lack of supervision.

Kelli Wulfekuhle stated she is there during the day and a person is there during the night and to her knowledge no one comes in after 10:00 p.m., or out in the yard at 4:00 a.m. If they do there are consequences. She did not hear anything about that until tonight.

John "Jack" Hilmes asked who would be served by this facility. Is it only being dedicated to Polk County or central Iowa parolees or would it serve parolees from Iowa, South Dakota and Nebraska.

Kelli Wulfekuhle stated she is taking Iowa residents. However, she just wanted to let the Commission know that she is getting letters from South Dakota and all over the place for placement.

CHAIRPERSON CLOSED THE PUBLIC HEARING

John "Jack" Hilmes pointed out the entire community appreciates the renaissance in River Bend neighborhood and it is obvious that sweat equity and capital are being devoted to that area. He also asked if this is a 3 step process i.e. recommendation from Plan and Zoning, 6/7th vote of City Council and appearance before the Board of Adjustment.

Erik Lundy stated that is correct and the Board of Adjustment would evaluate at the merits of the correctional placement aspect of it.

John "Jack" Hilmes asked how many correctional placement residences are in Polk County or the City of Des Moines.

Erik Lundy stated it is not as many as you might think. Correctional placement individuals may be assigned in a single fashion. The definition of the correctional placement residence allows three or more individuals to reside in the facility.

John "Jack" Hilmes asked if we are truly underserved, meaning we don't have places for these folks to go, where could a facility such as this be located without a conditional use permit.

Mike Ludwig stated that all correctional placement residences require a conditional use permit from the Board of Adjustment and require a 1/4 mile separation from like facility that includes correctional placement, homeless shelter or a supervised group residence. This property would require a variance to the 1/4 mile separation requirement as part of their conditional use permit application if zoned "R-3".

John "Jack" Hilmes asked historically what has lead to the concentration of these facilities in that area of the community.

Dann Flaherty stated that the houses in Riverbend are large and inexpensive.

Greg Wattier shared his thoughts as to how the Commission is looking at this request. Are they looking at it from a rezoning aspect or what type of tenants would be housed. Also what do you do with a 6,000 square feet house. He prefers to look at it from a rezoning aspect. If the Commission looked at the type of people in every case it would be hard to sit on this Commission.

Dann Flaherty stated he remembers the discussion to rezone this whole area. He is not sure how big this structure was originally. He believes it is a disservice to the citizens for allowing this to continue as long as it has. They are now taking the steps to try and go back to single-family residences in an area that use to be all single-family residences. If the Commission is going to promise the citizens that single-family residential is the vision for the area then it should be followed through.

Will Page wanted to reiterate the question about the size of the house and what to do with it. He pointed out that about a few months ago the Commission considered rezoning property near Forest Avenue that included a big house that had been added on to on a small site. Ultimately the decision was if the house cannot be used in a legal way, although unfortunate, perhaps the best thing to happen is to have the house removed and something go in there that would be more appropriate to the neighborhood.

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John "Jack" Hilmes stated that when the Commission considered that project they were loyal to the plan for the Drake Neighborhood Association which was to down zone and return homes to single-family purpose.

Dann Flaherty explained that this Plan and Zoning recommendation will go to the City Council which makes the final determination.

Erik Lundy noted that if the staff recommendation for denial is approved a 6/7th vote of the City Council will be required even if the opposition is removed from surrounding property owners.

Mike Ludwig stated the summary of the meeting discussion and staff recommendation will go to the City Council on June 24, 2013 to receive, file and set a date of public hearing. That public hearing is anticipated to be July 15, 2013 in the City Council Chambers beginning at 5:00 p.m.

COMMISSION ACTION:

Christine Pardee moved staff recommendation Part A) that the rezoning be found **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

Motion passed 12-0.

Christine Pardee moved staff recommendation Part B) to **deny** the request to amend the Des Moines' 2020 Community Character Plan to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Medium Density Residential; and Part C) to **deny** the rezoning from "R1-60" One-Family Low-Density Residential to "R-3" Multiple Residential District, to allow the future consideration of a Conditional Use Permit for the premises, to allow a correctional placement residence use subject to Section 134-552(9) of the Zoning Ordinance.

Motion passed 11-1 (Greg Jones voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Request from Kelli Wulfekuhle (owner) to rezone property at 1617 Oakland Avenue from "R1-60" to "R-3".				File #	
				ZON2013-00065	
Description of Action	Denial for a request to rezone property from "R1-60" One-Family Low-Density Residential to "R-3" Multiple Residential District, to allow the future consideration of a Conditional Use Permit for the premises for a correctional placement residence use subject to Section 134-552(9) of the Zoning Ordinance.				
2020 Community Character Plan	Low-Density Residential (current) Medium-Density Residential (proposed)				
Horizon 2035 Transportation Plan	No Planned improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R-3" Multiple Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		9			
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	11-1		No	

Kelli Wulfekuhle - 1617 Oakland Avenue

ZON2013-00065



Item ZON2013-00065

Date 5/28/13

20

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

Community Development Department

JUN 04 2013

RECEIVED

Print Name M. Bunkers

Signature [Signature]

Address 1416 Arlington

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

not already a group home -
on Arlington -

Item ZON2013-00065

Date 6-5-13

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

COMMUNITY DEVELOPMENT

JUN 10 2013

DEPARTMENT

Print Name Sheryl Ribbey

Signature [Signature]

Address 420 College Ave

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

Item ZON2013-00065

Date 5-29-13

20

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

(Circle One)

Community Development Department

Print Name Kent Lehs

Signature Kent Lehs

Address 1633 Oakland

JUN 03 2013

RECEIVED

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

I have been an advocate for de-densification
of inner city neighborhoods for many years.
There is a need for larger, single-family housing.
I have been renting an eight bedroom home to a
single family for four years.

Item ZON2013-00065

Date 6/1/13

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

Community Development Department

Print Name JO ANN BANNING

Signature Jo Ann Banning

Address 1537 Arlington Ave

JUN 04 2013

RECEIVED

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

Zoning - Should remain 1 family dwelling

Item ZON2013-00065

Date 5-30-13

20

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

(Circle One)

Community Development Department

JUN 03 2013

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

RECEIVED

Print Name EMMA L CORIN

Signature EMMA L CORIN

Address 1620 ARLINGTON AVE
DES MOINES IA 50314

I HAVE children I don't
want to have Rehab people
Arround my neighborhood,
please this is not a good
Area for frat-frats-

Item ZON2013-00065

Date 6-30-2013

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

(Circle One)

Community Development Department

JUN 03 2013

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

RECEIVED

Print Name DARRELL D. ROCKWELL

Signature DARRELL D. ROCKWELL

Address 1547 ARLINGTON AVE, D.M.
50314

I oppose it out of concern for
the safety of the surrounding residents.

Item ZON2013-00065

Date 5/28/13

20

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

(Circle One)
Community Development Department

NO NO NO
MAY 31 2013

RECEIVED

Print Name John Larson

Signature [Signature]

Address 306 College Ave

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

This neighborhood was rezoned R1 for a reason. Having it zoned to R-3 is just going to cause more problems in the neighborhood. There already is too many chopped up rental houses in the neighborhood. We don't need any more. This should not even be considered. Too many people in one place causes crime, vandalism, trouble.

Item ZON2013-00065

Date 5/29/13

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

(Circle One)
Community Development Department

MAY 31 2013

RECEIVED

Print Name Russ Frazier (on behalf of Rivebend Duplexes, LP)

Signature [Signature]

Address 1629 Oakland (mail address 2024 Forest Ave)

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

Item ZON2013-00065

Date 5/27/13

20

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

OVERBOND NEIGHBORHOOD ASSOCIATION

Community Development Department

MAY 30 2013

RECEIVED

Print Name MICHAEL HILDEBRAND

Signature [Signature]

Address 410 FRANKLIN AVE

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

WE HAVE WORKED VERY HARD TO REDUCE DENSITY AND SOCIAL SERVICES CLUSTERING, THIS REQUEST REVERSES BOTH. THIS INDIVIDUAL HAS ALSO VIOLATED MULTIPLE ORDINANCES, IGNORED INSPECTORS INSTRUCTIONS, AND MISLEAD 5TH JUDICIAL PROBATION/ PAROLE. THIS IS NOT THE TYPE OF INDIVIDUAL RUNNING A FACILITY IN OUR NEIGHBORHOOD.

Item ZON2013-00065

Date 5/29/13

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

Community Development Department

MAY 31 2013

RECEIVED

Print Name Rene + Dana Vela

Signature [Signature]

Address 1624 Oakland Ave.

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

Our area is now a Historic District. We want only owner occupied homes. We have enough Group Homes, Custodial Homes, Rehab + Rehabilitating facilities.

Exhibit A



Location: 1617 Oakland Avenue, Des Moines, Iowa 50314 515-243-9151

A Recovery center for men and homeless veterans. It is a safe, structured environment for men who are recovering from addiction. Each resident is working on a recovery plan and is committed to a life of sobriety. At One Way Recovery we have a zero tolerance policy for relapse and drug use.

Sig	Please sign and PRINT your full name	Complete home address	Today's Date	NOT OWNED OR RETURNED
1	Abenie Gasaway	1629 OAKLAND AVE APT 2 DES MOINES IA 50314	04/29/13	IN 250'
2	Kim Pope	1629 OAKLAND AVE #12 DES MO IA 50314	4/29/13	IN 250'
3	Martin Trull	1625 Oakland Des Moines IA 50314	4/29/13	IN 250'
4	Yolanda Scott Bolden	1721 Oakland Ave Des Moines IA 50314	4/29/13	OUTSIDE 250'
5	Jeremy Collins	1805 Oakland Ave Des Moines IA 50314	4/29/13	OUTSIDE 250'
6	Michael Hilliard	1815 Oakland Ave 50314 Des Moines IA	4/29/13	OUTSIDE 250'
7	Alvin Hill	319 Franklin Ave. #2 Des Moines IA	4.29.13	OUTSIDE 250'
8	Amanda Brown	1802 Oakland Apt 2	4.29-13	OUTSIDE 250'
9	Elvler Say	1728 Oakland	4/29/13	OUTSIDE 250'
10	Mayia Arevalo	1715 Oakland	4/29/13	OUTSIDE 250'

Paul Wilburn, Executive Director one way Recovery 20

11	Pete Chambers	1716 Oakland Ave	975-2905	OUTSIDE 250'	?
12	Kandy Green	1710 Oakland Ave.	505-2733	OUTSIDE 750'	?
13	Laura Dragon	1726 Oakland Ave	320-8294	OUTSIDE 250'	?
14	John Wise	6805 Oakland Ave	468-9659	OUTSIDE 750'	?
15	Chris G. Post	1815 - Oakland Ave	244-0533	OUTSIDE, 250'	?
16	Steven J. Austin Sr	1819 Oakland	244 4099	OUTSIDE 250'	?
17	Harriet Soler	1815 Grove #103	515-344-8161	OUTSIDE 750'	?
18	Martal Bolder	1721 Oakland Ave	515-243-3595	OUTSIDE 250'	NOT NUMBER OF RECORD
19	Hiba Gatea	1614 ARLINGTON AVE APT#1	515 5285433	IN 250'	NOT NUMBER OF RECORD
20	Sergio Corra	1620 Arlington Ave	510-778-5489	IN 250'	SIGNED LAND APPROVED
21	Mary Lucretia	1715 Arlington	282-2101	OUTSIDE 750'	?
22	Lowell Dowd	1731 Arlington	282-8944	OUTSIDE 750'	?
23	Quinn Duggan	315 Franklin	689-2033	OUTSIDE 200'	?
24	JOSH HUTCHINSON	1600 Oakland	612-6658	IN 250'	?
25	SEAN MAYER	1600 Oakland	612-6658	IN 750'	?
26	Tasha Harris	1600 Oakland	515 580 9745	IN 250'	?
27	Pho N. Heston	1629 Oakland apt # 2	515 441-1273	IN 250'	NOT NUMBER OF RECORD

28	Bebe Stamps		1629 Oakland west 2	515-741-2387	1 ^{IN} 250'	NOT OWNED OR RECORDED
29	Ray Kaufman		1537 4th St	515-282-0581	1 ^{IN} 250'	?
30	Robert F		1534 4th St	515-681-1521	OUTSIDE 250'	?
31	Pat Oswald		1518 4th St	515-280-5127	OUTSIDE 250'	NOT OWNED OR RECORDED
32	Sarah Stokes		1802 Oakland Ave	515-344-1888	OUTSIDE 250'	NOT OWNED OR RECORDED
33	Gabe Stokes		1525 4th St	544-1880	OUTSIDE 250'	NOT OWNED OR RECORDED
34	Pat Overton		1518 4th St	515-280-5127	OUTSIDE 250'	?
35	Myra Anthony		1618 Oakland	NONE	1 ^{IN} 250'	NOT OWNED OR RECORDED
36	Maggie Hatcher		2600 Oakland Ave		OUTSIDE 250'	?
37	Wynne Eubank		1614 Arlington		1 ^{IN} 250'	NOT OWNED OR RECORDED
38	Bob White		1625 Oakland Av #2		1 ^{IN} 250'	?
39	Steph B		1625 #5		1 ^{IN} 250'	?
40	Bob W. Minch		1600 DAKLAND AVE	515-729-2946	1 ^{IN} 250'	?

41. Larry Copeland
 1600 DAKLAND AVE 515-612-2099

42.	Asia Hinojosa	1528 Arlington	OUTSIDE 250'	
43.	Estela Hinojosa	1528 Arlington	OUTSIDE 250'	
44.	Maria López	1523 Arlington	OUTSIDE 250'	NOT OWNER OF RECORD ?
45.	Donald Couch	1527 ARLINGTON	OUTSIDE 250'	
46.	David Couch	1529 Arlington	OUTSIDE 250'	
47.	Michael Cass	1615 Arlington	IN 250'	NOT OWNER OF RECORD
48.	Ron Easter	1706 Arlington	OUTSIDE 250'	NOT OWNER OF RECORD
49.	Kouithongdy Vong	1609 Arlington	IN 250'	
50.	Marnice Caldwell	1940 Arlington	OUTSIDE 250'	NOT OWNER OF RECORD ?
51.	Michael Thompson	1600 oakland Ave	IN 250'	
52.	Tajuan Wright	1600 OAKLAND AVE	IN 250'	
53.	Ferry Eaton Collins	1812 oakland AVE D5m, FA 50314	OUTSIDE 250'	NOT OWNER OF RECORD
54.	Home Vong	1609 Arlington	IN 250'	

Individual signatures that appear on this petition has agreed that they are in favor of one way recovery remaining open & operating.