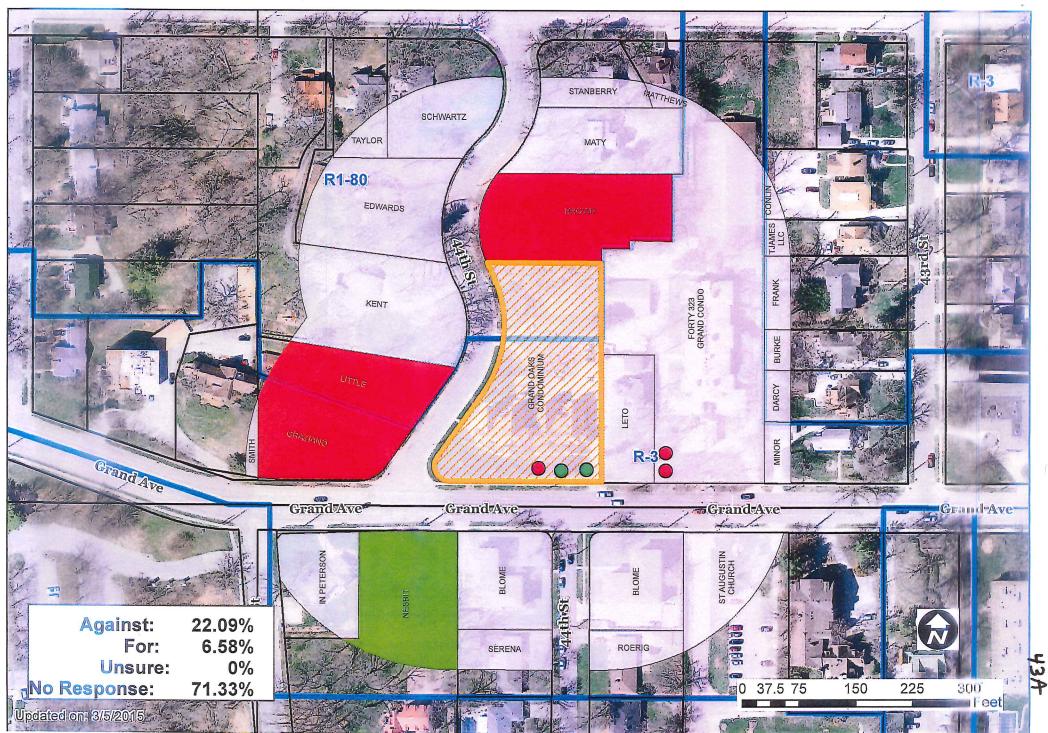
Roll Cal					Agenda Item Number  43  43  4
Date April	6, 2015		=		
			UNIT	Y CHARA	AND OAKS CONDOMINIUMS TO AMEND THE DES CTER PLAN FUTURE LAND USE DESIGNATION 4345 GRAND AVENUE)
WE Moines 202					Roll Call No. 00-3381, the City Council adopted the Des Plan; and
communicates, 2015, the Association amend the $\Gamma$	member, Inc., allos Moin for real	n the Cit rs voted so know nes' 202 property	y Plan a 9-0 to r n as Gr 0 Comr locally	and Zoning recommend and Oaks C munity Cha known as	Roll Call No. 15-0496, the City Council received and filed a g Commission advising that at a public hearing held March DENIAL of a request from Grand Oaks Homeowners Condominiums, represented by Megan Carson (officer), to racter Plan to revise the existing future land use 4341 and 4345 Grand Avenue from Low-Density
	ne propo	sed ame	ndment	to the Des	<b>LVED</b> , by the City Council of the City of Des Moines, Moines' 2020 Community Character Land Use Plan, as
ame	MO endment				to adopt and APPROVE / DENY the proposed
FORM APP Glenna K. F Assistant Ci	rank	Fran	k		(21-2015-4.05)
NOTE: Six affir	mative v	otes are	•	• •	ove the proposed comprehensive plan amendment due to the ines City Code §82-78.
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					I, DIANE RAUH, City Clerk of said City hereby
COLEMAN					certify that at a meeting of the City Council of said
GATTO					City of Des Moines, held on the above date, among
GRAY	ļ				other proceedings the above was adopted.
HENSLEY					IN WITNESS WHEREOF, I have hereunto set my
MAHAFFEY		-	-		hand and affixed my seal the day and year first
MOORE					above written.
TOTAL IOTION CARRIED	<u></u>	1	API	PROVED	
				Mayor	City Clerk
				inay or	





March 17, 2015

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 5, 2015, the following action was taken regarding a request Grand Oaks Condominiums (owner) represented by Megan Carson (officer) to rezone property located at 4341 & 4345 Grand Avenue.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Nays	Pass	Absent
		X
		X
		X
		Χ
	Nays	Nays Pass

**APPROVAL** of staff recommendation that the requested rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan future land use map.

By separate motion Commissioners recommended 9-0 as follows:

Yes	Nays	Pass	Absent
Χ			
			X
X			
X			
			Χ
			Χ
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			X
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	X X X X X	X X X X X X	X X X X X X

**DENIAL** of the request to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Medium-Density Residential. (21-2015-4.05)

By separate motion Commissioners recommended 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				Χ
John "Jack" Hilmes				X
Greg Jones	X			
William Page				X
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**DENIAL** of the requested rezoning to a "R-3" Multiple-Family Residential District: (ZON2015-00029)

# STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

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

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

# Written Responses

- 3 In Favor
- 6 In Opposition

#### STAFF REPORT TO THE PLANNING COMMISSION

# I. GENERAL INFORMATION

- Purpose of Request: The applicant is proposing to divide the subject property from the
  existing condominium site so that it can be marketed for multiple-family residential
  development.
- 2. Size of Site: Approximately 13,550 square feet.
- 3. Existing Zoning (site): "R1-80" One-Family Residential District.
- 4. Existing Land Use (site): Vacant property with a segment of paved driveway.
- 5. Adjacent Land Use and Zoning:

*North* – "R1-80", Uses are single-family dwellings.

**South** – "R-3", Uses are multiple-family condominium dwellings on the same parcel as subject property.

*East* – "R-3", Uses are multiple-family condominium dwellings.

West - "R1-80", Uses are single-family dwellings.

- **6. General Neighborhood/Area Land Uses:** The subject property is located just north of Grand Avenue which is a high volume traffic corridor characterized by mixed densities of residential development along the street with other civic uses such as the Des Moines Art Center, St. Augustin's School and Greenwood Park in the nearby area. The multiple family density residential properties generally front Grand Avenue.
- 7. Applicable Recognized Neighborhood(s): The subject property is within the Ingersoll Park Neighborhood and is within 250 feet of the Salisbury Oaks Neighborhood and Westwood Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on February 13, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on February 13, 2015 (20 days prior to the scheduled hearing) and on February 23, 2015 (10 days prior to the scheduled hearing) to the Ingersoll Park Neighborhood, the Salisbury Oaks Neighborhood, the Westwood Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the overall parcel owned by the applicant. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 27, 2015.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Ingersoll Park Neighborhood Association mailings were sent to Paul Goodwin, 648 Harwood Drive, Des Moines, IA 50312. The Salisbury Oaks Neighborhood Association mailings were sent to Ross Schoofs, 443 Tanawanda Drive, Des Moines, IA 50312. The Westwood Neighborhood Association mailings were sent to Mike Keller, 113 51st Street, Des Moines, IA 50312.

The applicant held their neighborhood meeting on February 11, 2015. A summary of the neighborhood meeting will be provided by the applicant at the hearing.

- **8. Relevant Zoning History:** The subject property was rezoned by the City Council from "R-3" Multiple-Family Residential District to an "R1-80" District on October 19, 1998, by Ordinance No. 13,655. This was in response to effort by the Ingersoll Park Neighborhood Association to discourage the increase in residential density in their neighborhood.
- 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. Natural Features: The property contains several mature trees. Any trees removed for future multiple-family development would require conformance with the Tree Protection and Mitigation Ordinances applicable to the Site Plan development and Grading Permit. The subject property is otherwise generally flat with significant grade changes on all surrounding adjoining properties to the north, east, and south, which are all higher in elevation.
- **2. Drainage/Grading:** The site would generally drain west towards 44<sup>th</sup> Street. Any multiple-family residential redevelopment of the site is subject to providing necessary storm water management in accordance with an approved Site Plan by the Plan and Zoning Commission.
- **3. Utilities:** The property has access to a public sanitary sewer main and a Des Moines Water Works main in 44<sup>th</sup> Street. There is public storm sewer running through the southeastern portion of the property. This provides access for storm sewer discharge, but also is protected by easement from development which limits the potential redevelopment of the site.
- **4. Traffic/Access:** The property currently has an access drive that is wide enough for a single-family use. This access is through a shared drive approach onto 44<sup>th</sup> Street.

- 5. Des Moines' 2020 Community Character Plan: The future land use designation for this property is designated for Low-Density residential development. The Plan contemplates Medium Density Residential only along the Grand Avenue corridor. Therefore, an amendment to the Plan to revise the future land use would be necessary for consideration of the requested rezoning.
- **6. Staff Rationale:** Staff is concerned that there is not a development concept for any multiple-family residential project. The land area of the property would only support up to 5 residential units under the proposed "R-3" District standards. The site is further encumbered by the existence of the public storm sewer. This further limits the potential for redevelopment.

The applicant is proposing to sell the property for separate development, not to expand their existing multiple-family condominiums to provide additional units. Staff does not believe that property should be developed separately with access onto 44<sup>th</sup> Street. Any redevelopment of this property for multiple-family residential should only be allowed in conjunction with a site that accesses and is oriented to the Grand Avenue corridor. A separate development of the subject property would not accomplish this. If staff and the Commission were to consider rezoning for expansion of the existing condominiums, a site concept would be needed to evaluate whether it can be done in a manner that would protect the single-family residential neighborhood to the north and west.

Staff further believes that the property can be developed with a single-family dwelling that is of a scale to be compatible with the surrounding neighborhood.

#### **SUMMARY OF DISCUSSION**

<u>Jason Van Essen</u> presented the staff report and recommendation.

Jamie Birch 4341 Grand resident addressed some concerns that have been expressed at the neighborhood meeting and explained why they are looking to sell this lot. They live in this older building and would like to build some cash reserves to help maintain it. This building is beginning to deteriorate on the inside and the maintenance is costly. In the past the homeowner association has considered selling the lot but has never moved forward with it. However, now there is a need to sell the lot. They are requesting to rezone this property to a multi-family because they are looking to have more options. Both single-family and multi-family buyers have shown interest in purchasing and are willing to address the storm sewer issues. The applicant will definitely be selling the land either way.

#### CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Craig Graziano</u> 500 44<sup>th</sup> Street stated he sent his response card opposing the applicant's request. He stated he also commented back in 1998 suggesting that a long term planning initiative for both sides of Grand Avenue between 42<sup>nd</sup> Street and Polk Boulevard would be in the City's best interest. He opposes the rezoning of a portion of the east side of 44<sup>th</sup> Street, without a rezoning of the corresponding portion of the west side of 44<sup>th</sup> Street. Rezoning only one side of the street would be unfair and discriminatory. It would allow property owners on one side when the useful life of the existing structures are exhausted to raise them and put up another multi-family structure while denying that same option to the



people on the other side of the street. It also appears that the present application is designed to facilitate the building of a multiple family structure on the interior portion of 44<sup>th</sup> Street. He believes that multiple family structures on the Grand Avenue corridor is very much in conformity with the predominant use on that corridor and in conformity with the City's comprehensive plan. But that off corridor multiple family structures are not in conformity.

<u>Bill Brown</u> 533 44<sup>th</sup> Street stated he is a former owner of Grand Oaks Condominium so he has seen both sides. He stated when he lived there they tried to do something similar but they eventually abandoned that idea because it wasn't feasible and at that time they were conscious of what the neighbors wanted and they did not want anything big. He opposes the applicant's request because of his concerns which are increased traffic in an already busy traffic area and he believes rezoning would ruin the flavor of the neighborhood.

<u>Buzz Schwartz</u> 550 44<sup>th</sup> Street stated he came to find out what the plan was. He asked what is multi-family residential and how many units could be constructed.

Mike Ludwig stated a maximum of five units could be added based on total lot area.

<u>Buzz Schwartz</u> stated he has lived in the neighborhood for 35 years and 15 years ago they tried to rezone it and there was a question about the setback on 44<sup>th</sup> Street. How much of a setback would be required for a multi-family unit.

Jason Van Essen stated a minimum of 30.

Buzz Schwartz asked could it be maintained.

Mike Ludwig stated because it is an existing lot it would be an average of the setbacks along the street. The absolute maximum is a 50 foot setback even if the average is greater.

Kelly Patterson-Brown 533 44th Street concerns are

- Safety there is a curve when going by the property and the view of the driver is obstructed when coming down the hill. People race and if the applicant is adding a driveway off of 44<sup>th</sup> that could also be an accident waiting to happen.
- 44<sup>th</sup> Street is a narrow street
- Cars parked on 44th Street –barely have room enough for one car to get through
- Additional traffic.

#### Rebuttal

<u>Jamie Burch</u> stated yes they would be willing to abandon the back driveway. They do use it but since they have the other driveway on Grand Avenue they could give the back one up if necessary. The lot is not aesthetically pleasing as it stands now, the trees are dying, the brush is not maintained. She believes that a multi-family unit is more inviting to young adults. There are currently 11 units, so she believes that having up to five young established adults would not be harmful to the community and does not believe this to be a threat. There is always a lot of traffic on Grand, especially when school is letting out.

Greg Jones asked if they have tried to sell this as a single-family lot.

<u>Jamie Burch</u> stated they have just approved as a homeowner association to put it on the market as a single-family lot. Someone has expressed interest through the Ingersoll Homeowners Association.

#### CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>CJ Stephens</u> stated staff's recommendation is absolutely correct on this because this is a beautiful neighborhood and just because a lot has not been maintained by the owner does not mean it is not valuable to the neighborhood. The loss of trees in that neighborhood is already heavy. She agree with the neighbors who spoke and believes this is setting a precedent of invasion into neighborhoods. She believes the Commission need to make sure a precedent is not set that this is okay to do just because of finance problems.

# **COMMISSION ACTION:**

<u>CJ Stephens</u> moved staff recommendation of Part A) to find the proposed rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use map.

Motion passed 9-0.

<u>CJ Stephens</u> moved staff recommendation Part B) to deny the request to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Medium-Density Residential.

Motion passed 9-0.

<u>CJ Stephens</u> moved staff recommendation Part C) to deny the requested rezoning to an "R-3" Multiple-Family Residential District.

Motion passed 9-0.

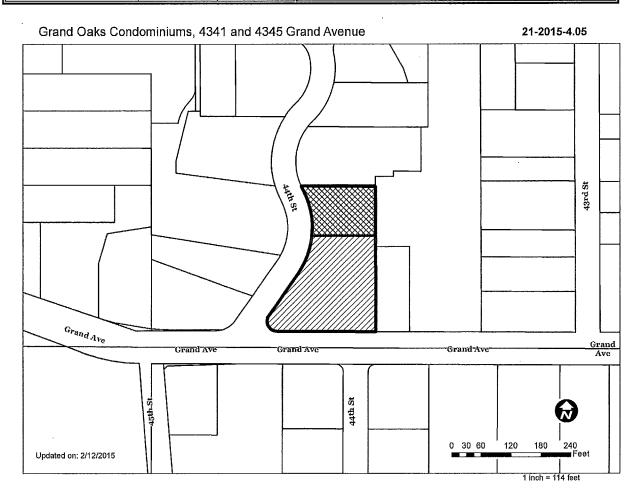
Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

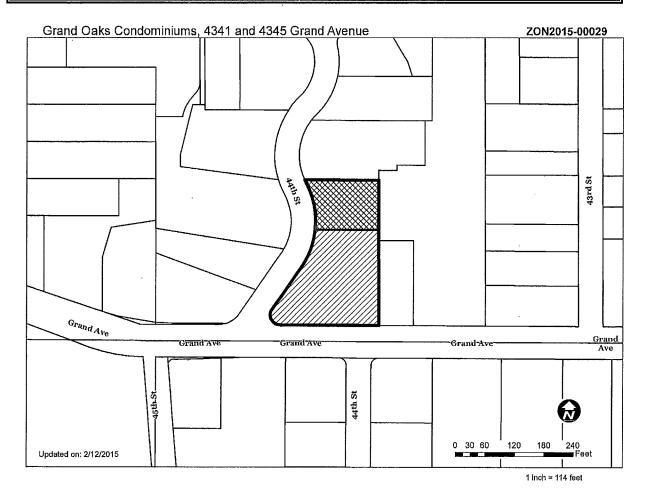
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Attachment

Grand Oaks Condominiums (owner) represented by Megan Ca							officer) for			File#	
property located	d at 4341	8 434	45 Grand Avenue.						21-2015-4.05		
Description of Action		Denial of request to amend the Des Moines' 2020 Community Characte existing future land use designation from Low-Density Residential to Me									
2020 Community Character Plan				Current: Low-Density Residential. Proposed: Medium-Density Residential.							
Horizon 2035 Transportation Plan			No planned improvements.								
Current Zoning District			"R1-60" One-Family Low-Density Residential District.								
Proposed Zoning District			"R-3" M	"R-3" Multiple-Family Residential District.							
Consent Card Responses		In F	In Favor		Not In Favor	Undetermined		% Opposition			
Inside Area			3		6						
Outside Area											
	Commission Action		proval	roval		Required 6/7 Vote of		Ye	S	Х	
Commission A			enial	9-0		the City C	ouncil	No	)		



			owner) represented by Megan Carson (officer) for						File #	
property located	d at 4341	& 434	45 Grand Avenue						ZON2015-00029	
Description of Action	"R-3" №	lultiple	uest to rezone property from "R1-60" One-Family Low-Density Residential Die-Family Residential District, to allow the north 100 feet of the property fronting divided off and developed with multiple-family residential dwellings.					erty fronting 44th		
2020 Community Character Plan				Current: Low-Density Residential. Proposed: Medium-Density Residential.						
Horizon 2035 Transportation Plan		n	No planned improvements.							
Current Zoni	Current Zoning District			"R1-60" One-Family Low-Density Residential District.						
Proposed Zoning District			"R-3" M	"R-3" Multiple-Family Residential District.						
Consent Card Responses			In F	avor		Not in Favor	Undetern	nined		% Opposition
Inside Area		_	3		6					
Outside Area										
	Commission Action		proval			Required 6/7 Vote of		Ye	s	Х
Commission A			enial	9-0		the City C	ouncil	No	)	



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	ζ.	Par	miller
MAR <b>0 2</b> 2615	Signature	1000	VIGOCO
DEPARTMENT	Address_	4345	Grand Ave #5
Reason for opposing or appr	roving this re	equest may	be listed below:
Name of America and American State of the Am			
		1,	

-

Item_ZON2015-00029 Date 2-25 - 43	1
COMMUNITY DEVELOPMENT  MAR 0 2 2015  REDEPARTMENTING or approving this request may be listed below:	
Item ZON2015-00029  Date 2.25./5  RECEIVED  COMMUNITY DEVELOPMENT Print Name Tim Robinson  MAR 0 2 2015  Signature Tim Robinson  Address 4345 Shard Care. # Z  DEPARTMENT  Reason for opposing or approving this request may be listed below:	

Item\_ZON2015-00029

Date 3-1-2015

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

RECEIVED

COMMUNITY DEVELOPMENPrint Name\_

ne O, D. RATLIF!

MAR 04 2015

Signature /

Address 4323 Grand

Ave #321

DEPARTMENT

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

would obstruct our long view, only view, to the west- also that block of 44th St. is a classey block and multiple building unit would dedrast & congestions.

- UZA
Hem 70N2015-00029 Pate 7-66-26-75
T(am) (am not) in favor of the reduest.
COMMUNITY DEVELOPMENT Print Name William A. Little
Signature William C. Tible
MAR 0 2 2015 Address 5 12 44th 57
DEPARTMENT Reason for opposing or approving this request may be listed below:
opposing - TT will distract
from the general appearence of the
neighborhood and cause increased
Traffic and noise. Not compatible
with the many older homes.
Item ZON2015-00029 Date 3/3// D
I (am) (am not) in favor of the request.
COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPINEN Print Name 11114 G. Deows
MAR 05 2015 Signature William G. Porc-
DEPARTMENT Address 533 44 5 St
Reason for opposing or approving this request may be listed below:
Educated about decrease in proporty value
44 th already has too much traffic
Lot seems too small
LOSS of trees

43A

Item_Z0N2015-00029 Date Z-25-75
((am))((am not))in favor of the request.
RECEIVED
COMMUNITY DEVELOPMENT int Name Craig Graziano
FEB 2 7 2015 Signature Case Sugar
Address 500 44th Street
DEPARTMENT Reason for opposing or approving this request may be listed below:
Zoning decisions should be based on a comprehensive plan that advances the long-term best interests of the City. I would support a long-term planning initiative for both sides of Grand Avenue from 42 <sup>nd</sup> Street to Polk Boulevard, a discussed in my remarks to the City Council on October 19, 1998 (copy enclosed). A rezoning on the east side of 44 <sup>th</sup> Street without a corresponding rezoning on the west side of 44 <sup>th</sup> Street would be unfair and discriminatory. A multiple-family structure off the Grand Avenue corridor would be out of conformity with the character of the neighborhood.
- cliffelier.
Item ZON2015-00029 Date 2-28-15
I (am) (am pet) in favor of the request.
RÉCEIVED  COMMUNITY DEVELOPMENT Print Name Steve HARLY
MAR 0 2 2015 Signature Two Marks
DEPARTMENT Address 4323 GRAND 216 DN
Reason for opposing or approving this request may be listed below:
Too Crowdell
To Chapter

20N 2015 - 800 29 43 H

# Remarks to City Council October 19, 1998

Craig Graziano, 500 44th Street.

Mr. Mayor and members of the City Council:

This proposal seeks to preserve a single family neighborhood. I have no quibble with that objective or in concept with the proposal insofar as it seeks to provide a solution for Ingersoll and for the interior portions of the side streets. But it's no solution for Grand.

Jerry Minor was kind enough to send me a copy of the letter he sent you. It's an extraordinary letter. He writes:

34 year ago, I purchased, for my home, the property at 4301 Grand Avenue. I continue to live there and maintain it as a single family residence, which I plan to do for the foreseeable future.

When I purchased my home, there were a number of single family residences on both sides of Grand Avenue in this area. I certainly would have been in favor of Grand being zoned R-1 at that time. However, since I have lived here, I have witnessed, across the street, on the south side of Grand, one home torn down and replaced by an apartment house and another home converted to a law office. A third home was converted and added on to a large condominium. The sister's convent at St. Augustin school, which at least resembled a single family

dwelling, was torn down and replaced by a parking lot. To my east, across 43<sup>rd</sup> Street, the home was moved to a different location and replaced by a large condominium. To my west, the home was torn down and replaced by a large condominium. Today, you can stand in my front yard and not even see a single family residence.

Is this the single family neighborhood we're trying to preserve?

Obviously not. No one suggests we turn the clock back and rezone this segment of Grand for single family housing, attempting in time to restore it to what it was 34 years ago.

Proponents ask you instead to single out the few properties on the north side of Grand that remain single family and make dinosaurs out of them. They ask you to rezone a three-block stretch in a way that continually switches back and forth between multiple and single family zones.

It should come as no surprise that all five affected property owners on Grand registered in opposition. In my situation, the two properties to my east and the two my west are all large multiple family structures. Under the proposal, their owners could in time raze the existing structures and replace them with new multiple family structures, while I in between would be limited to another single family structure.

There is a bias against multiple family housing. There are those, perhaps in their less thoughtful moments, who stereotype residents of multiple family units as "transients". There are those who say that people in search of multiple family housing should look to the western suburbs. I have heard these far from visionary comments in recent days.

But not from the City Council. In our Comprehensive Plan, you posit a goal to "provide a wide variety of housing choices for residents of the City". You "encourage and support" "corridor development", which is to say, "construction of . . . multiple family housing in a linear fashion along major streets".

This is not a zero sum game. There are ways to encourage well-planned corridor development on corridor, while at the same time preserving single family neighborhoods off corridor. I'm no expert, but I did, at Ms. Hensley's suggestion, offer the Neighborhood Association a compromise.

# It has five elements:

- (1) Approve redesignation of this segment of Grand from high to medium density.
- (2) Prohibit conversion of single-family structures into multiple-family structures.

- (3) Impose uniform site plan requirements for new multiple family structures.
- (4) Prohibit construction of multiple family units off corridor.
- (5) Require appropriate buffers between multiple family corridor and single family interior.

There may be other or better possibilities.

The current proposal disproportionately reflects the vision and aspirations of comparatively distant property owners on Harwood Drive. It does not reflect the vision and aspirations of directly affected property owners on Grand Avenue.

In the newsletter that the neighborhood association put out last spring, we were told that the north side of Grand would not be affected. As a result, we had no input into the vital developmental process.

Grand Avenue is not Harwood Drive. It is a major corridor, with a south side as well as a north. The future of these two sides should be planned together, not split by the artificial boundary of a neighborhood association.

This segment of Grand houses the Des Moines Art Center, perhaps the most contemporary setting in the City. It offers many future planning possibilities, including possibilities that are complementary to the art center.

Some of these possibilities, done right, would enhance single family neighborhoods to the north and south, while also adding vibrance to the City as a whole. To date, there has been no thought to any possibility other than single family housing, the most restrictive of all zoning classifications.

Single family zoning has no place on this segment of this corridor. It would lay a treasure to waste. It would bequeath to future generations a diseased, constricted artery. Our children and grandchildren deserve better.

Thank you.