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Date September 26, 2016

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST TO AMEND THE WOODS EDGE "R-6" FINAL DEVELOPMENT PLAN ON PROPERTY LOCATED IN THE 3500 BLOCK OF SOUTHEAST 23<sup>RD</sup> STREET**

**WHEREAS**, on March 27, 1978, by Ordinance No. 9,380, the City Council approved rezoning of property located in the 3500 block of Southeast 23<sup>rd</sup> Street to "R-6" Planned Residential Development District and approved the Wood's Edge Preliminary Development Plan, and thereafter approved the Wood's Edge Final Development Plan; and

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1522, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 1, 2016, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from the City of Des Moines (owner), represented by Pam Cooksey (City Engineer), to amend the Woods Edge "R-6" Final Development Plan to reclassify a parcel within the Plan area from public common land to private development in accordance with "R1-80" regulations, to allow for the sale and private redevelopment of said parcel, subject to the conditions set forth in the Plan and Zoning Commission recommendation; and

**WHEREAS**, the property is legally described as follows:

Lot Z, WOOD'S EDGE PLAT 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1522, it was duly resolved by the City Council that the City-initiated request to amend to the Woods Edge "R-6" Final Development Plan, be set down for hearing on September 26, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Final Development Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Final Development Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the Woods Edge "R-6" Final Development Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.

Date September 26, 2016

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2. The proposed amendment to the Woods Edge “R-6” Final Development Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 16- 1522, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
Glenna K. Frank, Assistant City Attorney

(01000-78-1.05.5)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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



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September 8, 2016

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held September 1, 2016, the following action was taken regarding a City initiated request represented by City Engineer, Pam Cooksey for amendment to the Woods Edge "R-6" Final Development Plan on property located in the 3500 block of Southeast 23<sup>rd</sup> Street, to release land dedicated to the City in accordance with Sec. 134-658(12) as common land and designate it for private "R1-80" density development in accordance with Sec. 134-659(a) of the City Code.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of staff recommendation subject to conditions below: (01000-78-1.05-5)

1. Permitted development of the property shall be one (1) single-family dwelling.

- 2. Any single-family dwelling built on the property shall provide the following setbacks:
  - a. Minimum 25-foot front yard setback.
  - b. Minimum 35-foot rear yard setback.
  - c. Minimum 5-foot setback on any one side with a minimum 15 feet of total side yard setback.
- 3. Any single-family dwelling shall have a minimum two-vehicle attached garage.
- 4. Any single-family dwelling shall have a 60-square foot minimum front porch with a roof cover.
- 5. Any single-family dwelling shall have gabled roof elements with an architectural asphalt shingle roof.
- 6. Any single-family dwelling shall have siding comprised of solid wood, cement board, or vinyl with a 0.042 minimum thickness.
- 7. Any one-story single-family dwelling shall have a minimum 1,200 square feet of living area exclusive of the attached garage area.
- 8. Any two-story single-family dwelling shall have a minimum 1,300 square feet of living area exclusive of the attached garage area.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested amendment to the Wood’s Edge Final Development Plan subject to the following conditions for the subject property:

- 1. Permitted development of the property shall be one (1) single-family dwelling.
- 2. Any single-family dwelling built on the property shall provide the following setbacks:
  - a. Minimum 25-foot front yard setback.
  - b. Minimum 35-foot rear yard setback.
  - c. Minimum 5-foot setback on any one side with a minimum 15 feet of total side yard setback.
- 3. Any single-family dwelling shall have a minimum two-vehicle attached garage.
- 4. Any single-family dwelling shall have a 60-square foot minimum front porch with a roof cover.
- 5. Any single-family dwelling shall have gabled roof elements with an architectural asphalt shingle roof.
- 6. Any single-family dwelling shall have siding comprised of solid wood, cement board, or vinyl with a 0.042 minimum thickness.
- 7. Any one-story single-family dwelling shall have a minimum 1,200 square feet of living area exclusive of the attached garage area.
- 8. Any two-story single-family dwelling shall have a minimum 1,300 square feet of living area exclusive of the attached garage area.

Written Responses

- 1 In Favor
- 3 In Opposition

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

- 1. **Purpose of Request:** The City Engineering Department under the direction of the Real Estate Division Administrator is seeking to allow the subject property to be allowed for

private use including the ability to build the property with a single-family dwelling use. The intention of that division would be to first offer the property equally to adjoining property owners. If there is no interest by those parties, it would then be listed for sale to the public as a development parcel.

2. **Size of Site:** 6,960 square feet.
3. **Existing Zoning (site):** “R-6” Planned Residential District and “FSO” Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Vacant property. There appears to be some gardening use of the property occurring. However, there are not any garden leases granted by the City.
5. **Adjacent Land Use and Zoning:**
  - North* – “R-6”, Use is a single-family dwelling.
  - South* - “R-6”, Use is a single-family dwelling.
  - East* – “R1-60”, Use is a single-family dwelling.
  - West* – “R-6”, Use is dedicate public open space.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a mixed residential density neighborhood development in the Southeastern portion of the city.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the River Woods Neighborhood. The overall Wood’s Edge “R-6” Development Plan area is located within 250 feet of the Pioneer Park Neighborhood. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 12, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on August 12, 2016 (20 days prior to the hearing) and August 22, 2016 (10 days prior to the hearing), to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Wood’s Edge “R-6” Development Plan area. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 26, 2016.

All agendas and applicable 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 Woods Neighborhood Association mailings were sent to Denise Benda, 2230 East Caulder Court, Des Moines, IA 50320. The City did not have any contact addresses provided by the Pioneer Park Neighborhood on file at their preference, therefore there was not individual notice sent to that neighborhood association. They do receive the agenda mailings.

8. **Relevant Zoning History:** On March 27, 1978 by Ordinance No. 9,380, The City Council approved rezoning of the subject property to "R-6" Planned Residential Development District and the Wood's Edge Preliminary Development Plan. On December 18, 1978, the City Council approved the Wood's Edge Final Development Plan.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the "R-6" Final Development Plan and required documents shall be reviewed by the Commission for compliance with the standards of Chapter 134 Division 12 of the City Code and substantial compliance with the Preliminary Plan. The Commission's recommendations and report on the Final Development Plan shall be referred to the Council. The Council shall review the Final Development Plan and approve it if it complies with the standards of this Chapter 134 Division 12 of the City Code and is in substantial compliance with the Preliminary Development Plan. Any change, except minor changes as set forth in Chapter 134 Article II Division 8 of the City Code, in the Final Development Plan or after the council has approved the Plan shall be resubmitted and considered in the same manner as the original Final Development Plan.

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** While the subject property is designated as Low-Density Residential, it was originally dedicated as public open space with the development of the overall "R-6" property. Revising the property to be a single-family residential development will not impact the intended densities of the "R-6" Preliminary Development Plan in accordance with Section 134-659(a) of the City Code when looking at it in terms of the net development provisions. It would also maintain the minimum 25 percent of common area for the overall net development are intended by the original "R-6" Preliminary Development Plan.
2. **Utilities:** There is existing public sanitary sewer within the eastern portion of the property. There is a dedicated public sewer easement on the eastern 30 feet of the property. This does not impact the ability to develop the property as that would also be within a required rear yard setback. It would prevent a permanent detached accessory structure within that area.
3. **Additional Information:** The "R-6" Provisions did not establish specific minimum lot widths or lot areas for the area of the development designated for single-family density. It did require 25-foot front yard setbacks, 35-foot rear setbacks, a 10-foot side yard setback when adjoining open space areas or the perimeter of the development, and a 10-foot separation between buildings. By amending the Final Development Plan to establish the subject property as a development parcel, staff recommends to be compatible with the surrounding development that the approval be condition on allowing only one (1) single-family dwelling on the property that would provide a 25-foot front yard setback, a 35-foot rear yard setback, a minimum 5-foot setback on any one side with 15-feet total side yard.

4. **Minimum Single-Family Standards:** In order to be compatible with surrounding single-family residential development, staff also recommends that any single-family dwelling built on the subject property provide the following minimum standards:

- A) Any single-family dwelling shall have a two-vehicle attached garage.
- B) Any single-family dwelling shall have a 60-square foot minimum front porch with a roof cover.
- C) Any single-family dwelling shall have gabled roof elements with an architectural asphalt shingle roof.
- D) Any single-family dwelling shall have siding comprised of solid wood, cement board, or vinyl with a 0.042 minimum thickness.
- E) Any one-story single-family dwelling shall have a minimum 1,200 square feet of living area exclusive of the attached garage area.
- F) Any two-story single-family dwelling shall have a minimum 1,300 square feet of living area exclusive of the attached garage area.

**SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Glen Norton of 3317 SE 23<sup>rd</sup> St stated that he was the owner of the adjacent property. He stated concerns of 3 maple trees on the adjoining property line being removed if this was allowed to be developed. He had spoken to Phil Wageman about possible purchase of this property from the City of Des Moines. Also suggested that he and another neighbor, Mr. Shepard, were willing to maintain the lot in the interim.

Greg Jones ask if he was willing to buy the property.

Glen Norton stated that he was willing to buy the property to expand his own yard and not likely to build on this property. Alternatively, he would like to fence or work with neighbors for a community garden or green space for children in the neighborhood.

Will Page asked if property was put up for sale if neighbors would have first right of refusal.

Jason Van Essen stated he did not believe that they would have first right of refusal, but rather could pursue purchase the same as general public. He asked Glenna Frank for clarification.

Glenna Frank advised no legal right that it had to be offered first to neighbors.

Glen Norton stated he believed from Phil Wageman he would get an opportunity to purchase.

Mike Ludwig clarified the term first right of refusal was not the valid term here. However he was also under the impression that Phil Wageman would work with neighboring property owners.



Glen Norton also stated that Phil Wageman also discussed the possibility of splitting the lot for both neighbors to include Mr. Shepard on opposite side of lot.

**COMMISSION ACTION:**

Dave Courad-Hauri moved approval of the staff recommendation subject to conditions below. The issue before the commission this evening is not about development of the parcel. He believes the plan amendment makes sense. He encouraged staff to continue to work with the neighbors.

1. Permitted development of the property shall be one (1) single-family dwelling.
2. Any single-family dwelling built on the property shall provide the following setbacks:
  - a. Minimum 25-foot front yard setback.
  - b. Minimum 35-foot rear yard setback.
  - c. Minimum 5-foot setback on any one side with a minimum 15 feet of total side yard setback.
3. Any single-family dwelling shall have a minimum two-vehicle attached garage.
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7. Any one-story single-family dwelling shall have a minimum 1,200 square feet of living area exclusive of the attached garage area.
8. Any two-story single-family dwelling shall have a minimum 1,300 square feet of living area exclusive of the attached garage area.

Motion carried 8-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

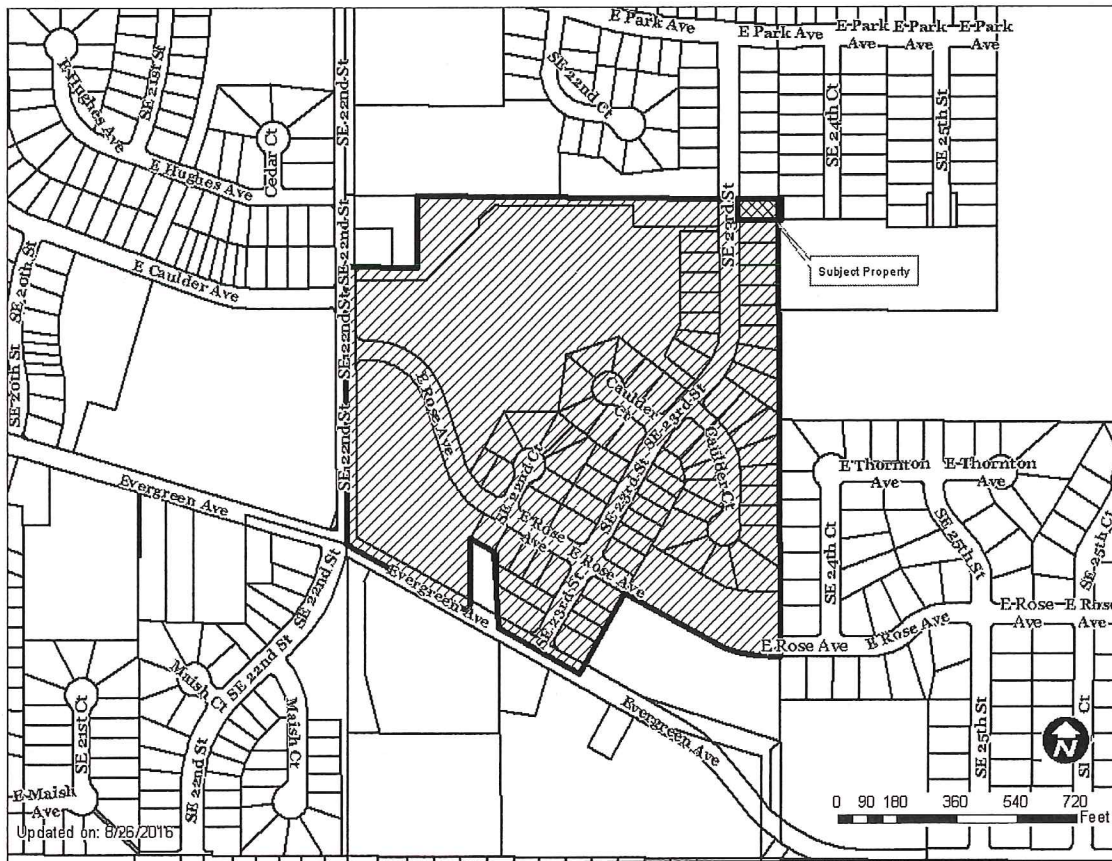
Attachment

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City initiated request represented by City Engineer, Pam Cooksey for property located in the 3500 block of Southeast 23rd Street.		File # 01000-78-1.05-5		
<b>Description of Action</b>	Approval of request for amendment to the Woods Edge "R-6" Final Development Plan, to release land dedicated to the City in accordance with Sec. 134-658(12) as common land and designate it for private "R1-80" density development in accordance with Sec. 134-659(a) of the City Code.			
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R-6" Planned Residential District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	N/A			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	3		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	8-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No X

City Initiated, 3500 Block of 23rd Street

01000-78-1.05-5



01000-78-1.05-3

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Item \_\_\_\_\_ Date 8-27 '16

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

RECEIVED  
COMMUNITY DEVELOPMENT  
AUG 30 2016  
DEPARTMENT

Print Name Kevin Johnson  
Signature [Signature]  
Address 2317 E. Caulder Ct.

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

Not sure exactly is what being proposed for this lot. I say just throw down some weed-killer & leave it... as a nice "green-space". Leave the trees! We don't need a house on that lot... thanks.

01000-78-1.05-3

Item \_\_\_\_\_ Date Aug 29, 2016

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

RECEIVED  
COMMUNITY DEVELOPMENT  
SEP 01 2016  
DEPARTMENT

Print Name Resurrection Sison  
Signature [Signature]  
Address 3811 S.E. 23<sup>rd</sup>

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

Cause more Traffic -

01000-78-1.05-5

67

Item

Date August 29, 2016

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

Andrea L. Anania

Signature

Andrea L. Anania

SEP 01 2016

Address

3706 SE 22nd St

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

01000-78-1.05-5

Date 08-25-2016

em

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

RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

GLENN NORTON

Signature

*[Signature]*

AUG 29 2016

Address

3317 SE 23RD ST.  
DES MOINES, IA 50320

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

CONSTRUCTION WOULD PUT MATURE TREES ALONG  
PROPERTY LINE IN DANGER.  
FUTURE WATER DRAINAGE ISSUES.  
CONSTRUCTION WOULD ALSO CREATE A MAJOR DISRUPTION  
IN AN ALREADY ESTABLISHED NEIGHBORHOOD.