

Date November 6, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
STANBROUGH REALTY COMPANY, LLC TO REZONE PROPERTY AT
1916, 1920, AND 1924 MERLE HAY ROAD**

WHEREAS, on October 23, 2017, by Roll Call No. 17-1824, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 5, 2017, its members voted 8-1 in support of a motion to recommend **APPROVAL** of a request from Stanbrough Realty Company, LLC (purchaser), represented by Jeff Stanbrough (officer), to rezone property locally known as 1916, 1920, and 1924 Merle Hay Road (collectively "Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for redevelopment with row dwellings, subject to the following rezoning conditions:

1. The density of residential development shall be limited to a maximum of 12-units per net acre.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable Site Plan design guidelines, such as those for Multiple-Family Residential; and

WHEREAS, on October 23, 2017, by Roll Call No. 17-1824, it was duly resolved by the City Council that the application of Stanbrough Realty Company, LLC to rezone the Property, as legally described below, be set down for hearing on November 6, 2017 at 5:00 p.m. in the Council Chambers 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 Zoning Ordinance; and

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1916, 1920 and 1924 Merle Hay Road, legally described as:

Lots 15, 17 and 19, LOOKOUT HEIGHTS PLAT 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for redevelopment with row dwellings, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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 rezoning of the Property to Limited "R-3" Multiple-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.

★ Roll Call Number

Agenda Item Number

42B

Date November 6, 2017

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2. The proposed rezoning of the Property to Limited "R-3" Multiple-Family Residential District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2017-00164)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

October 17, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 5, 2017 meeting, the following action was taken regarding a request from Stanbrough Realty Company, LLC (purchaser) represented by Jeff Stanbrough (officer) to rezone property at 1916 – 1924 Merle Hay Road. The subject properties are owned by MidAmerican Energy Company.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of Part A) that the proposed rezoning "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential", approval of Part B) to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan future land use designation from "Low Density Residential" to "Low-Medium

Density Residential” and approval of Part C) to rezone the property from “R1-60” One-Family Low Density Residential District to “R-3” Multiple Family Residential District, subject to the following conditions: (21-2017-4.11 & ZON2017-00164)

1. The density of residential development shall be limited to a maximum of 12-units per net acre.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable Site Plan design guidelines, such as those for Multiple-Family Residential.

Written Responses

4 in Favor

2 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning to “R-3” District be found not to be in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential”.

Part B) Staff recommends approval of an amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan future land use designation from “Low Density Residential” to “Low-Medium Density Residential”.

Part C) Staff recommends the subject property be rezoned from “R1-60” One-Family Low Density Residential District to “R-3” Multiple Family Residential District, subject to the following conditions:

1. The density of residential development shall be limited to a maximum of 12-units per net acre.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable Site Plan design guidelines, such as those for Multiple-Family Residential.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to develop the subject property with row dwellings. Based on the existing site area this would allow for a maximum of eight (8) units if the zoning were amended to the “R-3” District. Concepts of other row dwellings constructed indicate intentions to build two-story units.
2. **Size of Site:** 20,400 square feet.

3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.

4. **Existing Land Use (site):** The site is currently vacant land.

5. **Adjacent Land Use and Zoning:**

North – "R1-60"; Uses are single-family dwellings.

South – "R1-60"; Use is Video Warehouse rental store.

East – "R1-60"; Uses are single-family dwellings.

West – "R1-60"; Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the Merle Hay Road corridor south of the Iowa Highway 6 portion but just north of a small commercial area at Franklin Avenue.

7. **Applicable Recognized Neighborhood(s):** The subject property is within the Merle Hay Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 15, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2017 (20 days prior) and September 25, 2017 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 29, 2017.

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 Merle Hay Neighborhood Association notices were mailed to Jason Pulliam, 2327 49th Place, Des Moines, IA 50310.

The applicant is required to hold a neighborhood meeting and will be able to provide a summary of that meeting at the hearing.

8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The site is designated as Low Density Residential which is defined as follows: "Areas developed primarily with single-family and two-family residential units with up to 6 dwelling units per net acre."

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject

property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** There are currently some mature trees on the property. Any trees impacted by development of the property for multiple-family dwellings will be subject to Tree Protection and Mitigation requirements in Chapter 40 Article X of the City Code as part of a Site Plan review.
2. **Drainage and Grading:** Any development of the site will require storm water management improvements as part of a Site Plan review. The nearest public storm sewer access is to the south at the intersection of Merle Hay Road and Franklin Avenue. This would likely be required to be extended as part of development of the property.
3. **Utilities:** An 8-inch Des Moines Waterworks water main is available in Merle Hay Road. There is a 12-inch public sanitary sewer in Merle Hay Road. There is also a 12-inch sanitary sewer within the south edge of the subject property. This is protected with a 20-foot wide easement centered on the pipe. This easement area will not be able to be developed with any buildings. The rear of the property is protected with a 10-foot public utility easement along the west property line.
4. **Multiple-Family Residential Design Guidelines:** In acting upon any future Site Plan application that includes a multiple-family dwelling, boardinghouse or roominghouse, the Plan and Zoning Commission shall also apply the Multiple-Family Residential design guidelines. A Site Plan has not been submitted for consideration at this time.
5. **Staff Rationale:** The property has remained vacant in reserve for MidAmerican Energy's utility needs. It has now been made available for sale for private development. The market for single-family dwelling infill on these properties would be a challenge.

Given the property's proximity to the commercial area at Merle Hay Road and Franklin Avenue, staff believes it would be appropriate for a slight increase in the residential density. The proposed Low-Medium Density Residential future land use designation would contemplate up to 12 units per Acre. This would only allow 5-units maximum. So there should be a condition limiting the redevelopment of the property for multiple-family residential at a maximum density of 12 units per acre.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Ryan Hardesty 3405 SE Crossroads stated he is the engineer working on the site plan. This site will be used for townhomes with parking located behind the units. They do agree with the staff report.

Jacqueline Easley asked if that included the conditions.

Ryan Hardesty stated yes.

Mike Ludwig asked if there is an opportunity for revised architecture?

Ryan Hardesty stated we would be happy to look at the craftsman style, if that would be a better fit for the neighborhood.

Mike Ludwig stated he believes that is what was requested in the neighborhood's letter.

CHAIRPERSON OPENED THE PUBLIC HEARING

Michael Lamb 5726 Allison Ave stated neighborhood concerned about the flooding in this area due to green space and where will the snow be pushed in the winter. He doesn't want to see these as rentals due to some being problematic in the area already. Traffic is also a concern with Allison Avenue backing up to Merle Hay during rush hour.

Jack Voss 5723 Allison Ave stated he believes parking will be a problem because residents don't use their garages. Right now, we have people that live on the west side of Merle Hay Road that park on Allison Ave and he doesn't care to see any more traffic on his street, which is a dead end. Also, Traffic will need to be controlled at Franklin and Merle Hay. He is not opposed but believes 5 units would be a little much for the area.

Ryan Hardesty stated traffic impacts from this site will be very minimal. The site is at least 200 feet off Merle Hay Road. Each unit will have a 2-car garage, along with 2 available parking stalls per unit outside of the garage.

Jacqueline Easley asked about snow removal.

Ryan Hardesty stated it's no different than a single-family development. It's a pretty small lot with 12 foot of room along the whole driveway.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation Part A) that the proposed rezoning "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential", approval of Part B) to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan future land use designation from "Low Density Residential" to "Low-Medium Density Residential" and approval of Part C) to rezone the

property from "R1-60" One-Family Low Density Residential District to "R-3" Multiple Family Residential District, subject to the following conditions:

1. The density of residential development shall be limited to a maximum of 12-units per net acre.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable Site Plan design guidelines, such as those for Multiple-Family Residential.

Motion Passed: 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Stanbrough Realty Company, LLC (purchaser) represented by Jeff Stanbrough (officer) for property at 1916 – 1924 Merle Hay Road. The subject properties are owned by MidAmerican Energy Company.				File # 21-2017-4.11	
Description of Action		Approval of request to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Low/Medium Density Residential.			
PlanDSM Future Land Use		Current: Low Density Residential. Proposed: Low/Medium Density Residential.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Subject Property					
Outside Area (200 feet)		4	2		
Plan and Zoning Commission Action		Approval	9-0	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

Stanbrough Realty Company, LLC, 1916-1924 Merle Hay Road

21-2017-4.11



1 inch = 92 feet

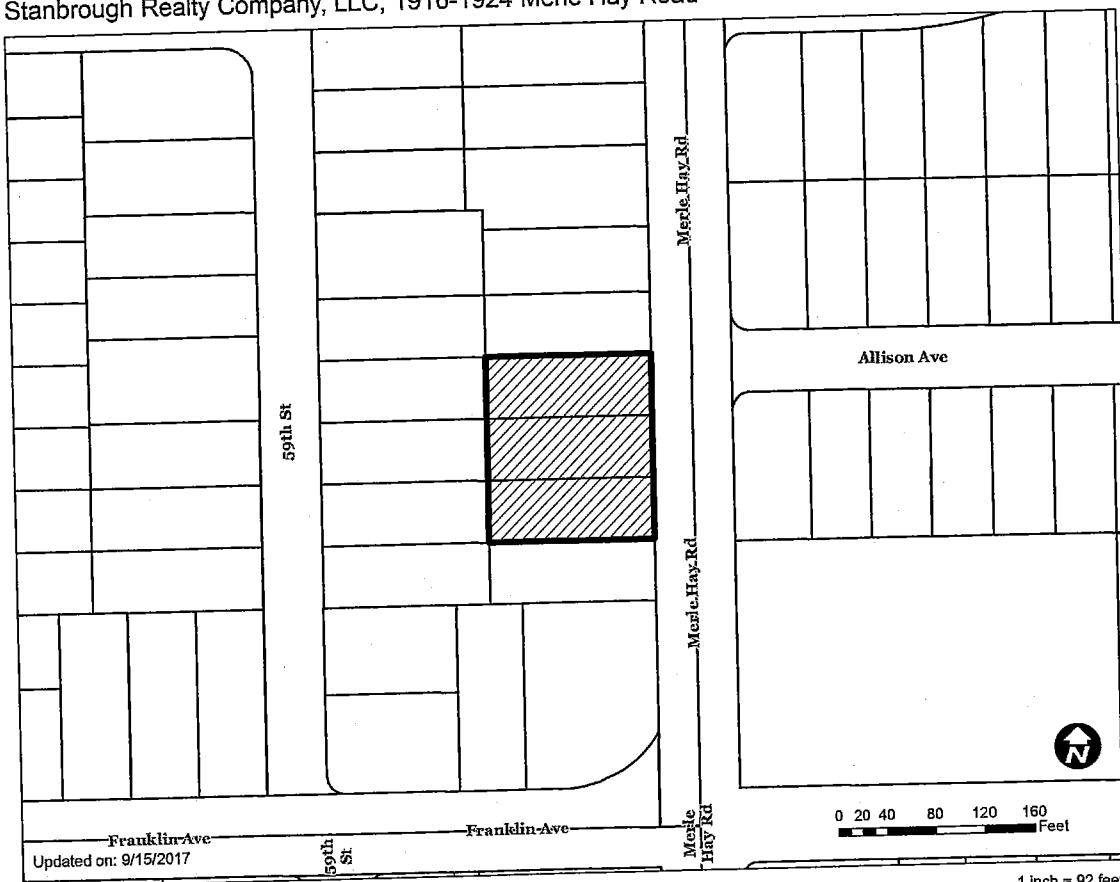
42B

8C

Stanbrough Realty Company, LLC (purchaser) represented by Jeff Stanbrough (officer) for property at 1916 – 1924 Merle Hay Road. The subject properties are owned by MidAmerican Energy Company.				File # ZON2017-00164	
Description of Action	Approval of request to rezone property from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow for redevelopment with row dwellings subject to conditions.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Low/Medium Density Residential.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property					
Outside Area (200 feet)	3	2			
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Stanbrough Realty Company, LLC, 1916-1924 Merle Hay Road

ZON2017-00164



1 inch = 92 feet

ZON2017-00164

Date 9/28/2017

HJB

(am) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name JOSEPH P. WATERS, SR

Signature *Joseph P. Waters, Sr.*

Address 2000 59TH STREET, DSM IA 50322-600

OCT 03 2017

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

ZON2017-00164

Date 9/29/17

(am) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Greg Dahm

Signature *Greg Dahm*

Address 2001 59TH

OCT 04 2017

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

Do not want multi-family
in my backyard.

42B

Item ZON2017-00154 Date 9-12-17

(am) (am not) in favor of the request
(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Archie Bogg
Signature Archie Bogg
Address 1188 - 14th St

ARRIVED AFTER MTG

OCT 03 2017
Reason for opposing or approving this request may be listed below.

Item ZON2017-00164 Date 9/28/17
(am not) in favor of the request.
(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name John S Brooks
Signature John S Brooks
Address 1910 54th St

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

Item ZON2017-00164 Date 9/30/17
(am not) in favor of the request.
(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Chris Farrell
Signature Chris Farrell
Address 2004 Mente Hay Rd.

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

Neighborhood Development

42B

Van Essen, Jason M.

From: Jason Pulliam <jason.pulliam@gmail.com>
Sent: Thursday, October 05, 2017 11:48 AM
To: Ludwig, Michael G.; Van Essen, Jason M.
Cc: Gray, William S.; Jeff Stanbrough; Robert Stewart
Subject: MHNA Feedback on Item #8 on 10/5/2017 Plan and Zoning Commission Meeting Agenda

Dear Mike and Jason:

Good morning. The Merle Hay Neighborhood Association's Board of Directors met on Tuesday, October 3, and had an opportunity to discuss Stanbrough Realty Company, LLC's proposal to rezone property at 1916 – 1924 Merle Hay Road to allow construction of a town-home development. We wish to thank everyone from Stanbrough Realty for meeting with residents to share information and field questions.

At this stage, the MHNA board is registering as neutral on the proposed redevelopment project. Nonetheless, we believe there is potential for the proposed redevelopment to be a good addition to the neighborhood, and would like to offer some general feedback. At this stage, MHNA board members and residents we have heard from have expressed the following preferences:

- To see the units be owner-occupied.
- To see craftsman-style design to complement majority of nearby residential properties.
- Preserve as much green-space as possible.
- Sensitivity to storm-water management given the amount of impervious surface-area in the general vicinity.

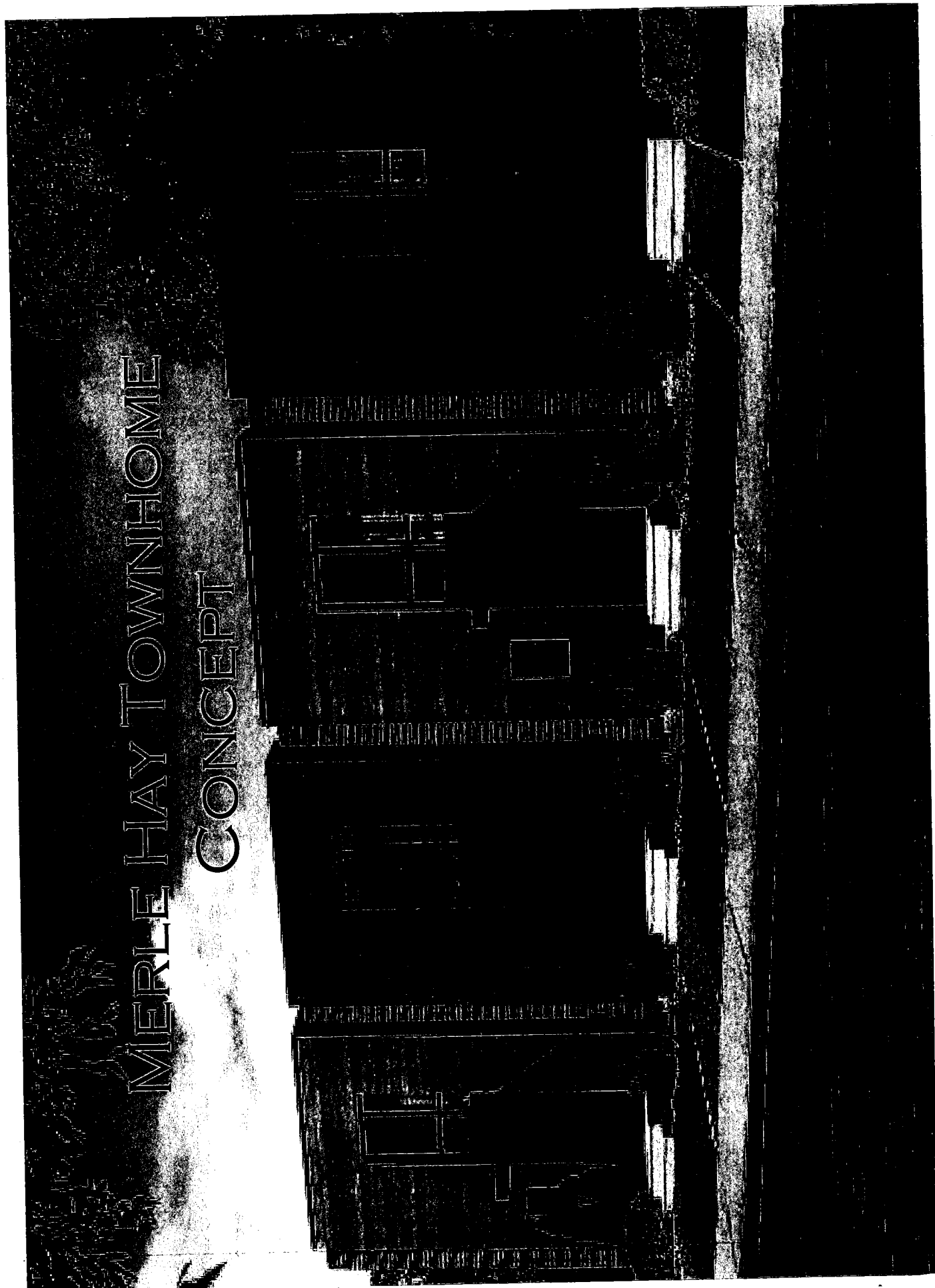
Thank you for everyone's consideration. And once again, thank you to Stanbrough Realty staff for reaching out to the neighborhood.

Sincerely,

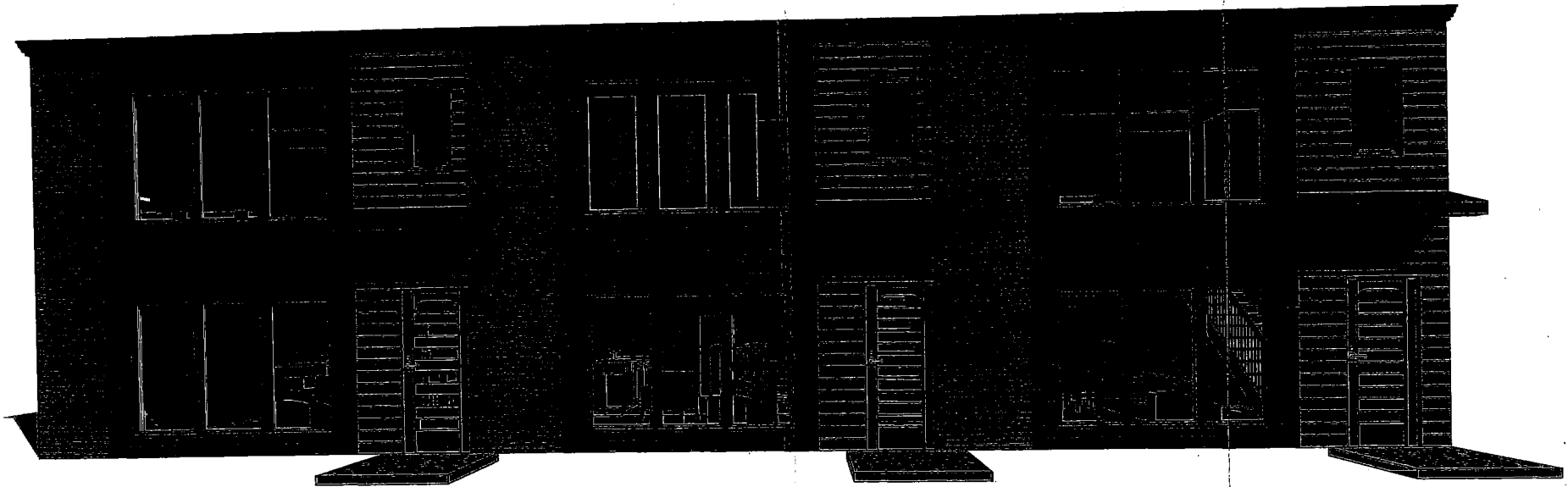
Jason Pulliam
President, Merle Hay Neighborhood Association
2327 49th Place
Des Moines, Iowa 50310



MERLE HAY TOWNHOME
CONCEPT

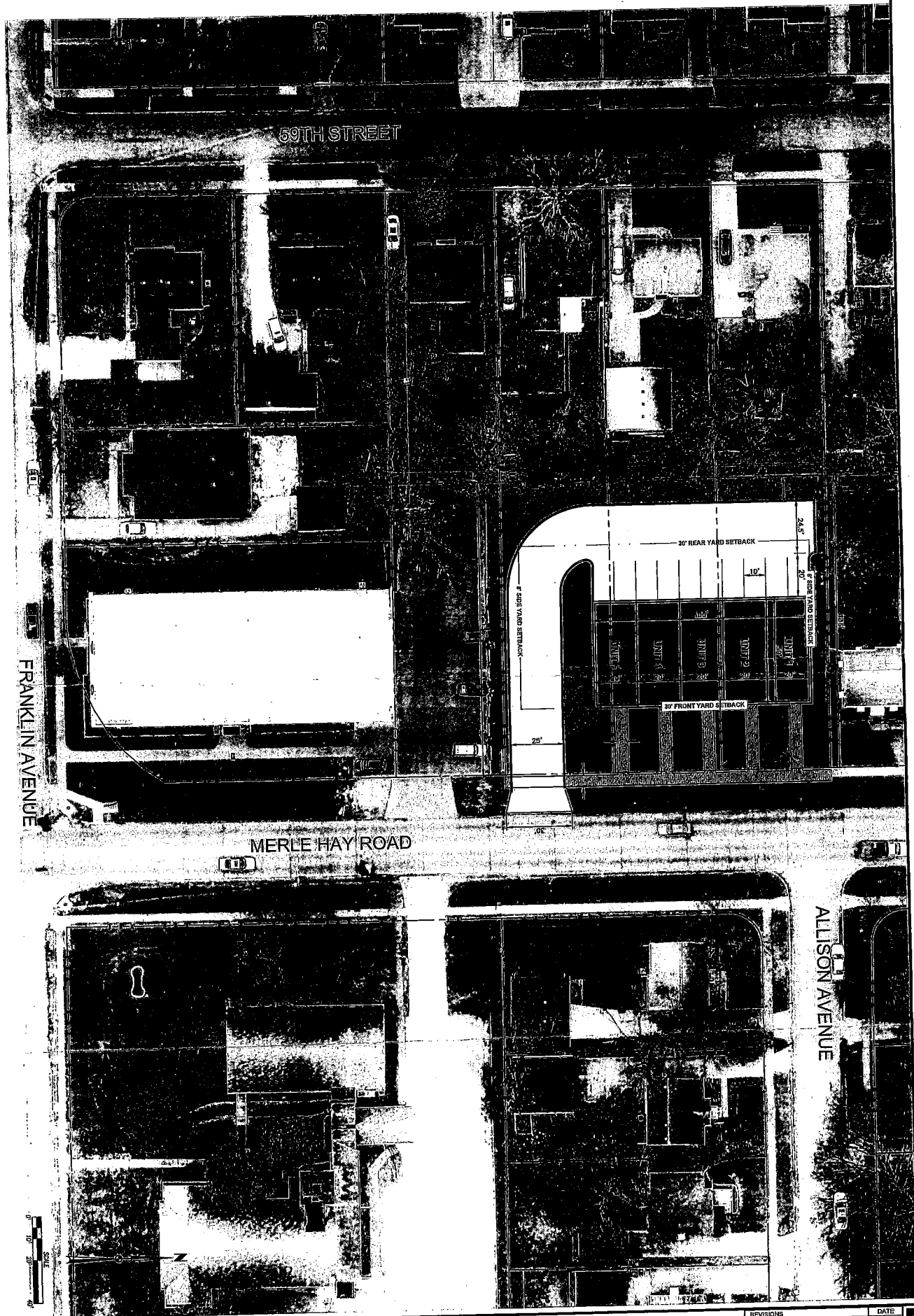


MERLE HAY TOWNHOME
CONCEPT



42B

PROJECT: MERLE HAY ROAD TOWNHOMES
DATE: 8/14/2017 10:28 AM
DRAWN: M. MOSELEY
CHECKED: [blank]



MERLE HAY ROAD TOWNHOMES
CONCEPT MAP



3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

REVISIONS	DATE

DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

ENGINEER:

TECH:

PREPARED

08/14/2017

1/1