



Date January 8, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM HOME, INC. TO REZONE PROPERTY AT 210 WATSON AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2017, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from HOME, Inc. (owner), represented by Pam Carmichael (officer), to rezone property locally known as 210 Watson Avenue (“Property”) from “R1-60” One-Family Low-Density Residential District to “R-2” Two-Family Residential District, to allow development of a two-family dwelling, subject to the following rezoning conditions:

1. Permitted uses shall be limited to one-family or two-family residential.
2. Any dwelling unit shall have at least 1,100 square feet of floor space.
3. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
4. The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
5. The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.
6. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
7. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback; and

WHEREAS, the Property to be rezoned is legally described as follows:

Lots 57, 58 and 59 in Block 4 of OLD ORCHARD BEACH, an Official Plat, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on January 22, 2018, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

Date January 8, 2018

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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

(ZON2017-00194)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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



Date 1/8/18

Agenda Item 28

Roll Call # _____

January 3, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 21, 2017 meeting, the following action was taken regarding a request from HOME, Inc. (owner) represented by Pam Carmichael (officer) to rezone property located at 210 Watson Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler	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) proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low-Medium Density Residential.

Part B) rezoning to "R-2" Two-Family Residential District subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.
2. Any dwelling unit shall have at least 1,100 square feet of floor space.
3. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
4. The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
5. The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.
6. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
7. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback. (ZON2017-00194)

Written Responses

1 in Favor

1 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low-Medium Density Residential.

Part B) Staff recommends approval of rezoning to "R-2" Two-Family Residential District subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.
2. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
3. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
4. The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
5. The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.
6. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
7. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the subject property to allow development of a two-family dwelling (duplex). If the property is rezoned to "R-2" District, the Zoning Board of Adjustment must then grant an Exception of 100 square feet of lot area less than the minimum 10,000 square feet of lot area required for a two-family dwelling in the "R-2" District before the use can be permitted.
2. **Size of Site:** 75 feet by 132 feet (9,900 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**

North – *"R1-60", Use is a vacant parcel.*

South – *"R1-60"; Use is single-family dwelling.*

East – *"R1-60"; Use is single-family dwelling.*

West – *"R1-60"; Use is single-family dwelling.*
6. **General Neighborhood/Area Land Uses:** The subject property is located in a residential area to the north of the Des Moines River that is commonly referred to as the Birdland area. This area has experienced significant reinvestment since the levy was reconstruction following the Flood of 2008.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Union Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 1, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on December 1, 2017 (20 days prior to the hearing) and December 11, 2017 (10 days prior to the hearing) to the Union Park Neighborhood Association and 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 December 15, 2017.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Union Park Neighborhood Association notices were mailed to Jack Daugherty, P.O. Box 16113, Des Moines, IA 50316.

The applicant held their required neighborhood meeting on December 11, 2017.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Low-Medium Density Residential.
10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow Plan:** The proposed rezoning to the “R-2” Two-Family Residential District is compatible with the Low-Medium Density future land use designation. The Plan defines this designation as “Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.”
2. **Urban Design:** The applicant has submitted a design for the two-family residential structure that demonstrates each dwelling unit would be two stories in height and contain approximately 1,200 square feet of finished living space. Each dwelling unit would also have a front porch measuring approximately 60 square feet. The submitted elevations demonstrate that the structure would be sided with horizontal cement board overlap siding with fiber cement shakes as accents. The windows would have 4-inch wide trim.

The submitted design indicates that the structure would have a slab foundation. Due to soil conditions, the site is unsuitable for a full-depth basement.

3. **Parking & Access:** The submitted conceptual site sketch show that a 14-foot by 22-foot (308 square feet) detached garage would be constructed to the rear of each dwelling unit. These garages would be accessed from the alley by a paved driveway.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Will Page asked why the drawing reflect dwelling units that are 1,200 square feet and the revised conditions specify a minimum of 1,100 square feet.

Erik Lundy stated condition requiring a minimum of 1,100 square feet is consistent with similar projects in the past. The condition does not preclude the applicant from proposing 1,200 square feet.

Pam Carmichael Executive Director of Home Incorporated stated this is part of a large project they are doing in the Birdland area. They just completed six single-family units with one of those located on Watson Avenue. These units are being appraised at 140,000-160,000 dollars. They believe this project is compatible with the area will offer quality rental units the neighborhood does not currently have.

Mike Simonson asked if the neighborhood association took any action regarding this project.

Pam Carmichael stated the neighborhood association approved the project from the beginning.

Mike Simonson asked if they approached the neighborhood association about the development of all the lots and did they take a vote.

Pam Carmichael stated yes, they are aware of the development of each lot and did vote unanimously at their steering committee meeting.

Will Page asked if the project was compatible with the Habitat project to the North.

Pam Carmichael stated she believes that the Home Inc. project is more compatible with the neighborhood because of the purposed roof pitch.

CHAIRPERSON OPENED THE PUBLIC HEARING

James Wolf 224 E Holcomb Avenue stated he received a letter in the mail 2 weeks ago and it did not contain a response card. Without the response card, he believes a vote should not take place since they didn't get a chance to respond. Based on the information from FEMA, these lots are in a special flood hazard area and no development should take place. This project on Watson is only 1 block from the base of a levy that protects Guthrie Avenue and Birdland Park from flooding. There is concern about the barriers of the levy due to cracks in the black top and water channels eroding those barriers.

John "Jack" Hilmes asked if his home fits in the picture shown to the commission.

James Wolf stated yes and we are in a special flood hazard area that requires us to have flood insurance.

Pam Carmichael stated they had to get financing for this project and were not required to have flood insurance though the construction financier. They looked at this project for a long time and would not start development if they thought the levies weren't going to hold. Also, they wouldn't be putting rental units in this area due to the fact Home Inc. will own these properties for the next 30 years.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jann Freed requested City staff's response to the flood concern.

Mike Ludwig stated the information that Mrs. Carmichael provided is they do have a flood certificate which would have been reviewed by City Staff in part of this project. The Storm water staff reviewed the plans for this project and didn't note any concerns for what was purposed. Addressing the concern about the response cards, under stated and city code, it is not required we send out response cards with the notice, it's a policy. A response card isn't the only way to submit concerns. A person can email, or write a letter also. The reason for the letter is to notify residents of the public hearing. The deadline for submitting written opposition would be before the City Council hearing.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of Part A) rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low-Medium Density Residential and Part B) rezoning to "R-2" Two-Family Residential District subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.
2. Any dwelling unit shall have at least 1,100 square feet of floor space.
3. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
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Motion Passed: 14-0

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:tjh

ZON2017-00194

Date 12-19-17

28

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

SUBJECT PROPERTY

(Circle One)

Print Name GDM Habertel

COMMUNITY DEVELOPMENT

Signature [Signature]

DEC 21 2017

Address

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

Four horizontal lines for writing reasons.

ZON2017-00194

Date 12-18-17

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

COMMUNITY DEVELOPMENT

Print Name Richard W Ziebell

DEC 18 2017

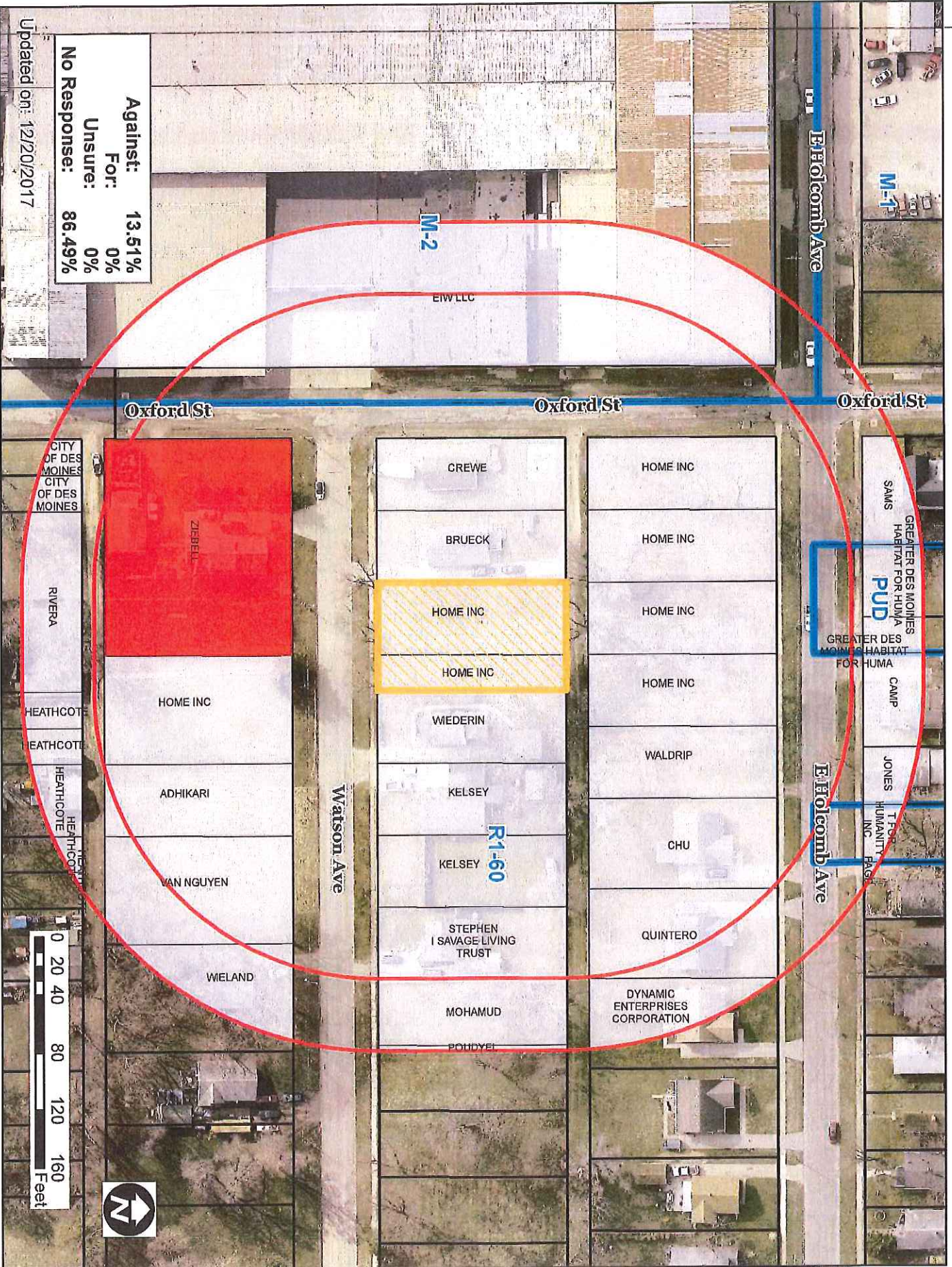
Signature [Signature]

Address 207 Watson Ave

Des Moines, IA 50313

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

This neighborhood has always been single family dwelling. Renters do not take care of the yards or up keep on homes as home owners do



Against: 13.51%
 For: 0%
 Unsure: 0%
 No Response: 86.49%

Updated on: 12/20/2017

