



Date January 22, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM HOME, INC. TO REZONE PROPERTY AT 215 WATSON AVENUE

WHEREAS, on January 8, 2018, by Roll Call No. 18-0050, the City Council received a communication from the City Plan and Zoning Commission advising 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 215 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, on January 8, 2018, by Roll Call No. 18-0050, it was duly resolved by the City Council that the application of HOME, Inc. to rezone the Property, as legally described below, be set down for hearing on January 22, 2018 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 210 Watson Avenue, legally described as:

Lots 7, 8 and 9 in Block 5 of OLD ORCHARD BEACH, an Official Plat, 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 “R-2” Two-Family Residential District, to allow development of a two-family dwelling, 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.



Date January 8, 2018

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-2" Two-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "R-2" Two-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

(ZON2017-00195)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

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 215 Watson Avenue.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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. (ZON2017-00195)

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 if garages will be accessed by an alley.

Erik Lundy stated yes.

Will Page asked if the Habitat project will have access to the garages by alley as well.

Erik Lundy states yes, but they are proposing parking pads, not garages.

Will Page are these alleys hard surfaced, gravel or dirt.

Erik Lundy stated they are unimproved and are maintained with gravel. The Habitat "alley" is paved because it is the primary fire access. Primary fire access to the Home Inc. units is provided via an adjoining public street.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jacqueline Easley asked Pam Carmichael and James Wolf if they had anything to add.

James Wolf stated the alleys were initially access for the telephone lines.

COMMISSION ACTION:

John "Jack" Hilmes moves 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

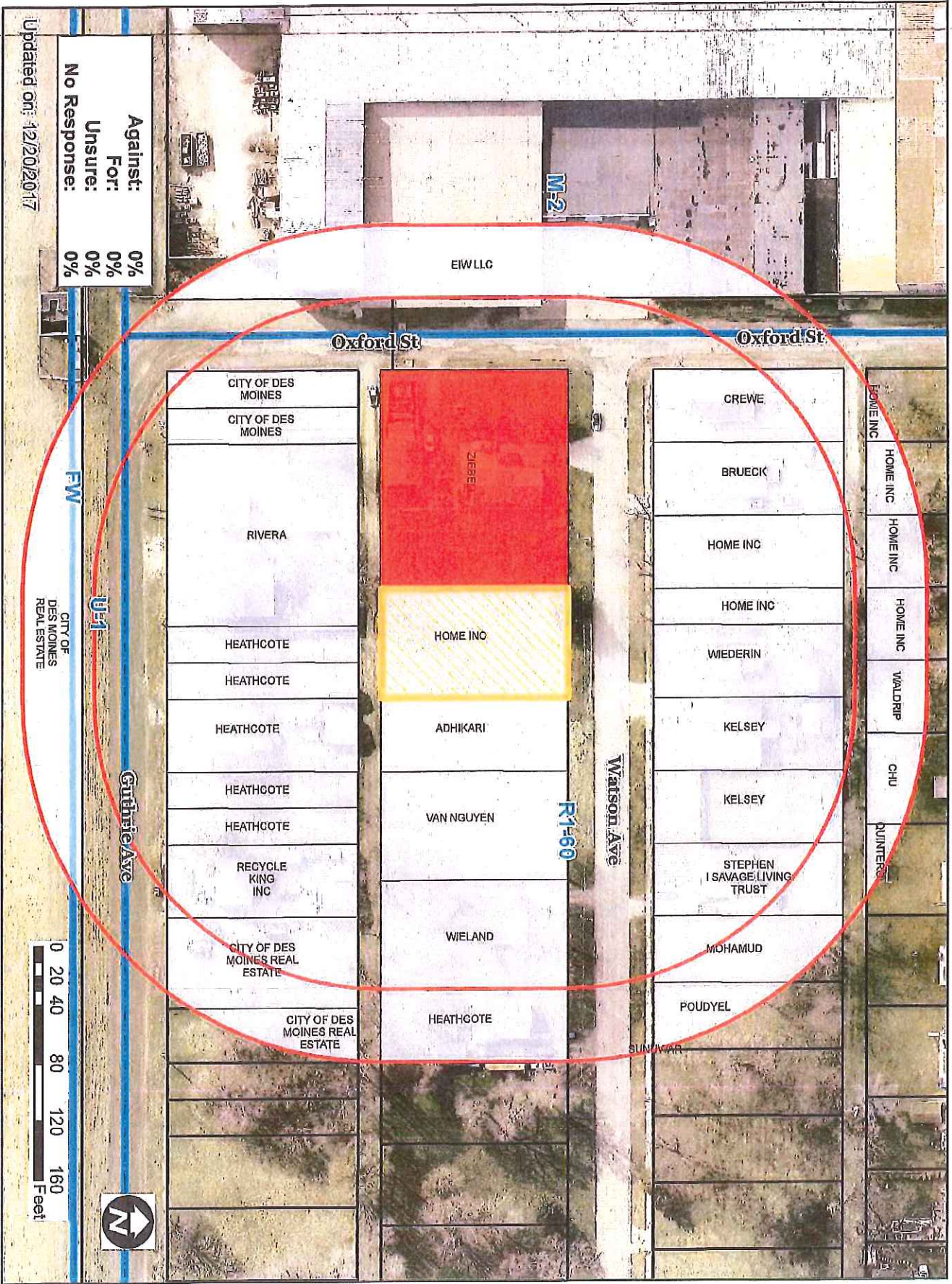
43

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments



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Date _____ 43
 Agenda Item 29

January 3, 2017

Honorable Mayor and City Council
 City of Des Moines, Iowa

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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:

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Motion Passed: 14-0

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29

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

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em ZON2017-00195 Date 12-18-17

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

(Circle One) ...
COMMUNITY DEVELOPMENT

DEC 18 2017

Print Name Richard W Ziebell

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 dwellings. Renters
do not take care of the grounds
or upkeep as home owners do.

on
homes

em ZON2017-00195 Date 12-19-17

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

SUBJECT PROPERTY

(Circle One) ...
COMMUNITY DEVELOPMENT

DEC 21 2017

Print Name GDM Habitat

Signature [Signature]

Address _____

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

