



Roll Call Number

Agenda Item Number

20 ✓

Date May 7, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM
LOCKSTEP, LLC TO REZONE 1120 26TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 19, 2018, its members voted 10-0 in support of a motion to recommend **DENIAL** of a request from Lockstep, LLC (purchaser), represented by Jeff Horner (officer) to rezone property at 1120 26th Street ("Property") from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District, to allow use of the Property for a three-unit multiple-family dwelling; and

WHEREAS, the Property is legally described as follows:

Lot 13 in DRAKE UNIVERSITY'S ADDITION TO THE CITY OF DES MOINES, 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 Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on May 21, 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.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2018-00050)

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

MOTION CARRIED

APPROVED

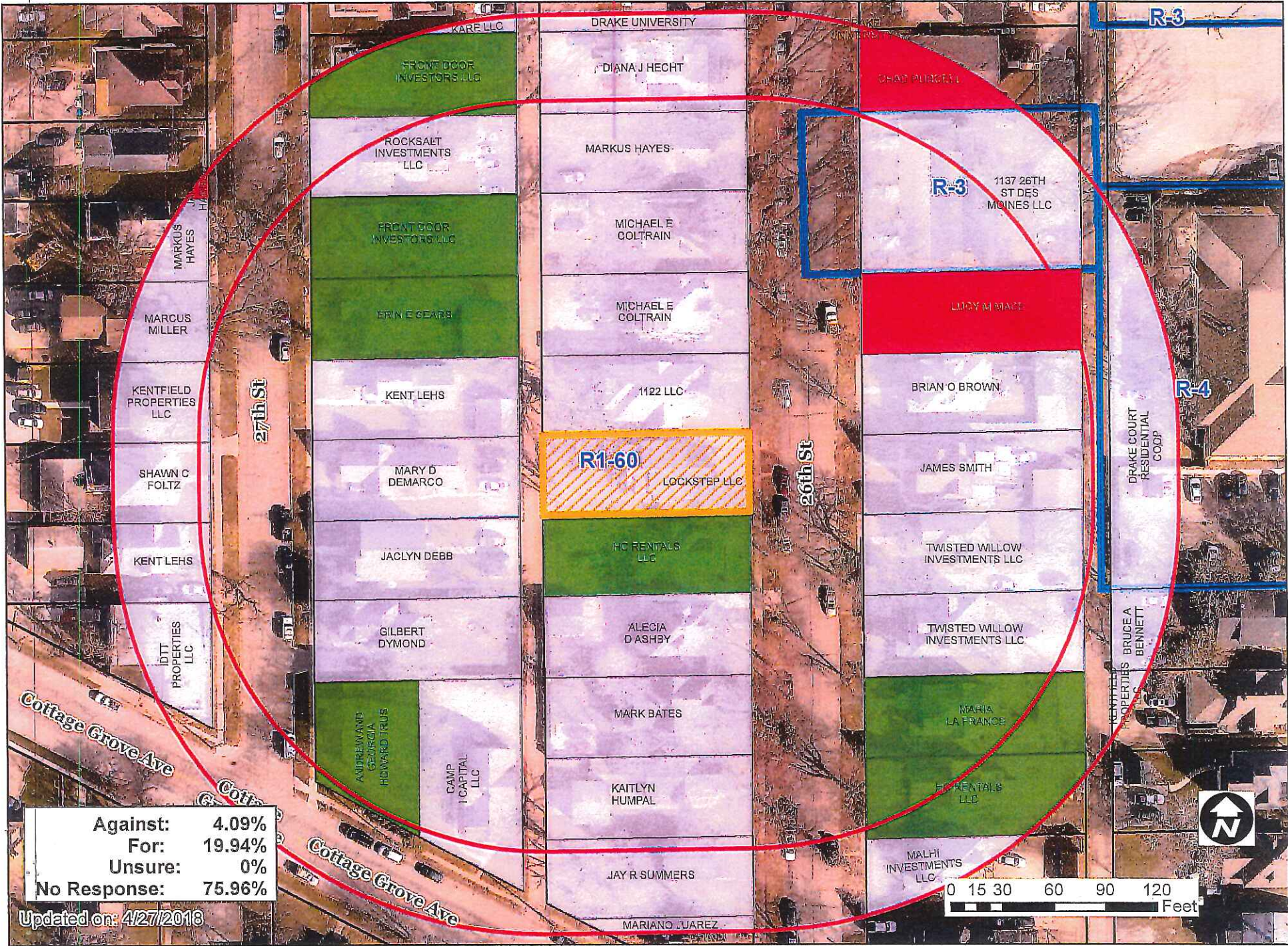
Mayor

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



Against:	4.09%
For:	19.94%
Unsure:	0%
No Response:	75.96%

Updated on: 4/27/2018

20





May 4, 2018

Date May 7, 2018
Agenda Item 20
Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 19, 2018 meeting, the following action was taken regarding a request from Lockstep, LLC (owner) represented by Jeff Horner (officer) to rezone property located at 1120 26th Street from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District, to allow the use of the existing dwelling to be converted to a 3-unit multiple-family dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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) to find the proposed "R-4" Multiple-Family Residential District is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential, Part B) **denial** of the proposed

amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low-Medium Density Residential to High Density Residential and Part C) **denial** of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District. (21-2018-4.07) & (ZON2018-00050)

Written Responses

5 in Favor

4 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed "R-4" Multiple-Family Residential District is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential.

Part B) Staff recommends **denial** of the proposed amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) Staff recommends **denial** of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to re-occupy the 4,181-square foot structure with three (3) dwelling units after being vacant since before January 1, 2016. The property lost any legal rights to an 11-unit dwelling 6 months following this vacancy.
2. **Size of Site:** 48 feet by 120 feet (3,150 square feet or 0.072 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The subject property contains a 4,181-square foot 2-½ story dwelling structure that was built as a single-family dwelling in 1893 but was later converted to up to 11 dwelling units.
5. **Adjacent Land Use and Zoning:**

North – “R1-60”; Use is an 8-unit multiple-family residential dwelling.

South – “R1-60”; Use is a 4-unit multiple-family residential dwelling.

East – “R1-60”; Use is a 6-unit multiple-family residential dwelling.

West – “R1-60”; Use is a 3-unit multiple-family residential dwelling.

- 6. General Neighborhood/Area Land Uses:** The subject property is located on the west side of 26th Street mid-block between University Avenue and Cottage Grove Avenue. The area generally consists of a mix of densities of residential dwellings in a block proximity to the south of the Drake University campus.
- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on March 30, 2018. A Final Agenda was mailed to the neighborhood associations on April 13, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on March 30, 2018 (20 days prior to the hearing) and on April 9, 2018 (20 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 site.

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 Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

The applicant is required to hold a neighborhood meeting regarding the rezoning request. The meeting was held in conjunction with the Drake Neighborhood Association regular meeting on April 11, 2018. The applicant will be available to provide a summary of that meeting at the hearing.

- 8. Relevant Zoning History:** On February 4, 2002 by Ordinance No. 14,050, the City Council downzoned the subject property from “R-3” to “R1-60” as part of a petition from the Drake Neighborhood Association to reduce residential density within the neighborhood.
- 9. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low-Medium Density Residential.
- 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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** The subject property is designated as Low-Medium Density Residential, which is described as "Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre." The proposed three (3) dwelling units on a 0.132-acre parcel represents a net density of 22.72 units per acre. Therefore, the proposed "R-4" Multiple-Family Residential District would require the future land use designation to be revised to High Density Residential, which is described as "Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre."

Staff does not believe that this is an appropriate location for High Density Residential. This designation is typically located along corridors and/or transit routes, such as Forest Avenue, University Avenue, and Martin Luther King, Jr. Parkway. Therefore, Staff recommends denial of both the land use plan amendment and the rezoning. Should the City Council deny the requested rezoning, the applicant would be able to seek a Use Variance from the Zoning Board of Adjustment.

- 2. Site Plan Requirements:** Should the property be rezoned, any multiple-family residential use must be in compliance with a Site Plan under the design guidelines for multiple-family residential, as reviewed and approved by the Plan and Zoning Commission. This Site Plan must comply with all regulations, including those pertaining to landscaping and stormwater management.
- 3. Access or Parking:** Should the property be rezoned, any multiple-family residential use must provide a minimum of 5 parking spaces for the proposed 3 dwelling units (1.5 spaces per dwelling unit), including one (1) ADA-compliant space. There currently is limited ability for off-street parking to maneuver from the alley to the west. Zoning Board of Adjustment relief of the off-street parking requirement would likely be required if the property is rezoned as requested prior to consideration of a Site Plan and Building Plan review.
- 4. "R-4" District Bulk Regulations:** The Zoning Ordinance requires the following to be provided for multiple-family dwellings within the "R-3" District:
 - Minimum lot area of 8,000 square feet,
 - 850 square feet of lot area per dwelling unit,
 - 30-foot building setback from the front property line, or calculated average.
 - Building side yard setbacks totaling 17 feet with no less than 8 feet being provided on one side.

The subject property measures 5,760-square feet total and would not comply with the minimum lot area and minimum side yard bulk regulations if used for three (3) dwelling units. It would likely meet the calculated front yard setback based on the adjoining dwellings which appear to be built to the same setback. Zoning Board of Adjustment relief of the bulk regulations would be required prior to consideration of a Site Plan and Building Plan review.

5. Multiple-Family Residential Design Guidelines: The applicant would be required to submit a site plan and building elevations for review by the Plan and Zoning Commission in accordance with the City's Multiple Family Residential Design Guidelines if the property is rezoned as requested. In acting upon any application for multiple-family dwellings, boarding houses or rooming-houses, the Plan and Zoning Commission shall apply the design guidelines City Code Section 82-213, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions, or disapprove an application shall be based upon the conformance with the following design standards:

- 1) *Architectural character.* New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.
- 2) *Building height and mass.* Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.
- 3) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.
- 4) *Garage access/location.* If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.
- 5) *Rooftop/second story additions.* A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.
- 6) *Emergency egress.* All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

- 7) *Parking.* Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jeff Horner, 1200 SW State Street, stated this property is currently not livable and has been boarded up for over a year. The house is listed at \$75,000 dollars with estimates between \$170,000 - \$250,000 to rehab and bring back up to code. It doesn't make for a good investment as a single-family home and in the Drake neighborhood there are still a lot of multi-family houses. He would like to propose a 3-plex, there are 3 full floors and each living space would be 1,200 square feet. The basement would be left for a boiler room and storage. The back portion of the house isn't attached and would be removed. With the back portion of the house removed, they can provide 6 parking stalls, alleviating any on street parking. After 10 months on the market and 2 years abandoned, they have found a buyer. The buyer is willing to do a duplex but will not be interested if they cannot rezone this property to multi-family.

Greg Wattier asked if he had anything formal from the Drake Neighborhood Association?

Jeff Horner stated no but there is a representative from the Drake Neighborhood here tonight.

Seth Crouch, 4500 Urbandale Avenue, stated he owns the property directly to the South and the one across the street. They are interested in buying this home because they don't want an abandoned, boarded up home next to the others he owns. They could make this work as a duplex but don't see this working as a single-family dwelling.

Mary DeMarco, 1111 27th, stated this house has been a bad scene for the neighborhood and would like to see someone fix it up. Regardless of it being a single-family dwelling or multi-family dwelling, it will be a rental being so close to the Drake campus. She believes what they are proposing is fine.

Jennifer Sayers, President of Drake Neighborhood Association, 1129 28th Street, stated Jeff has been kind enough to attend the Neighborhood meetings and letting several of them walk through the property. They fully support revitalizing this house and would like to keep it 1-3 units. However, they do not support the rezoning to R-4 and want it to remain R1-60. 26th street has been one of the worst blocks in regard to high density and because of projects like this, they are finally seeing that density come down.

Mike Simonson asked if this property was originally a duplex.

Jennifer Sayers stated she was not sure. They have not been able to find record on it.

Mike Ludwig stated up until 1996, you could have a duplex in a R1-60 zoning district but then was removed from the zoning code.

Mike Simonson asked what the zoning was for a duplex.

Mike Ludwig stated it would be R-2 under the zoning code. They do have the option to deny the R-4 zoning and would go to the Zoning Board of Adjustment for a use variance.

Mike Simonson asked if it was to go to Zoning Board of Adjustment, would it then come back to the Planning and Zoning commission.

Erik Lundy stated P&Z review of a site plan would only occur if the Board of Adjustment approved a use variance for 3 units or more.

Mike Ludwig stated City Council would have to deny the zoning as well. Tonight, the Commission would be making a recommendation and if Council denies it, then they are able to go to the Zoning Board of Adjustment.

Will Page asked Seth Crouch about the time frame for beginning this project and if he was flexible.

Seth Crouch stated they are flexible but estimating a year for completion with other projects still going on.

Jeff Horner stated he was ok with the zoning going from R-4 to R-2. He wouldn't like to delay the process because he now has a buyer willing to turn this into a duplex, when most people want it as a 6 plex or higher.

Mike Ludwig stated this wouldn't delay the process because if the zoning was approved by Council, they would still go to Zoning Board of Adjustments for a variance to the lot area requirement.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson made a motion for Part A) to find the proposed "R-4" Multiple-Family Residential District is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential, Part B) **denial** of the proposed amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low-Medium Density Residential to High Density Residential and Part C) **denial** of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District.

Motion Passed: 10-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

EML:tjh

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Lockstep, LLC (owner) represented by (officer) for property located at 1120 26th Street.				File # 21-2018-4.07	
Description of Action	Amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low/Medium Density Residential to High Density Residential.				
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Proposed: High 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-4" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	X		No	

Lockstep, LLC, 1120 26th Avenue

21-2018-4.07



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Lockstep, LLC (owner) represented by (officer) for property located at 1120 26th Street.		File # ZON2018-00050	
Description of Action	Rezoning from "R1-60" One-Family Low-Density Residential District to "R-4" Multiple-Family Residential District, to allow the use of the existing dwelling to be converted to a 3-unit multiple-family dwelling.		
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Proposed: High 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-4" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Subject Property	5	4	
Outside Area (200 feet)			
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council
	Denial	X	
			Yes
			No
			X

Lockstep, LLC, 1120 26th Street

ZON2018-00050



1 inch = 75 feet

Item Zon 2018-00050 Date 4/20/18

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

(Circle One)

**RECEIVED
COMMUNITY DEVELOPMENT**

Print Name Andrew Howard

Signature Andrew Howard

Address 2625 Cottage Grove

APR 24 2018

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

ZON2018-00050

Item ZON2018-00050 Date 4/13/18

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

(Circle One)

**RECEIVED
COMMUNITY DEVELOPMENT**

Print Name MARK HOLTRAMP

Signature Mark Holtramp

Address 1118 26th St.

APR 17 2018

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

Item ZON2018-00050

Date 04/10/18

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

(Circle One)

Print Name

ERIN SEARS

Signature

Erin Sears

Address

1115 27th St. SW, AL50311

#I am a Drake Neighborhood Assoc. Board member & I have toured the property.

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

I support the rezoning of 1120 26th St. from a single family to multi-family because I no longer want to see this property empty & abandoned. It is a safety hazard & an eyesore currently.
Thank you!

Item ZON2018-00050Date 4/11/18I (am) ☒ (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENTPrint Name CHAR PURCELL
NICHOLE AKSAMIT PURCELLSignature Nichole Aksamit Purcell

APR 16 2018

Address 1155 26th St.

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

While I sincerely applaud the effort and support the idea of turning this into a ^{livable} ~~flexible~~ residence, we would prefer the current zoning (R-160) be kept and the Zoning Board of Appeals grant a specific variance for a 3-plex with a total of ^{no more than} 6 bedrooms and require the property manager to complete the city's Crime Free Multi-Family Housing Program.

Item ZON2018-00050Date 4-16-18I (am) ☒ (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENTPrint Name Maria LaFranceSignature Maria LaFranceAddress 1107 26th St, 1090 25th St.

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

3 units seems reasonable for such a large property.

Item ZON2018-00050Date 4/12/2018I (am) ☒ (am not) in favor of the request.

(Circle One)

RECEIVED

Print Name

Rosa Peterson / Front Door Investors, LLC

COMMUNITY DEVELOPMENT

Signature Rosa Peterson / Front Door Investors, LLC

APR 16 2018

Address 7926 NW 103rd Lane
Johnston, IA 50131-6073

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

The big "house" in this area are not inviting to single family buyers. Most have too much repair needed.

Three-plex to four-plex properties is an excellent

use.

Also at University and 26th-27th Market rate apartments are scheduled.

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Item ZON2018-00050Date 4-13-18I (am) ☒ (am not) in favor of the request.DRAKE NEIGHBORHOOD ASSOCIATION(Circle One)
RECEIVEDPrint Name Jennifer Sayers

COMMUNITY DEVELOPMENT

Signature Jennifer Sayers

APR 19 2018

Address 1129 28th St.

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

As president of the Drake Neighborhood Assn., our board is not in favor of a zoning change to R-4. We'd like to keep the R-160 to uphold the Drake neighborhood Plan which strives to lower density and encourage more single-family homes/restoration. Thank you.

Item ZON2018-00050Date 4-10-18I (am) ☒ (am not) in favor of the request.(Circle One)
RECEIVEDPrint Name JANICE MARTIN (HARROD)

COMMUNITY DEVELOPMENT

Signature Janice Martin

APR 16 2018

Address 1144 29th

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

Area is congested enough. No place to park for tenants, much less guests.

Item ZON2018-00050Date April 2018I (am) ☒ (am not) in favor of the request.

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Jessy Mae E.Signature Jessy Mae E.Address 1123-24th Ave NW, 55315

APR 19 2018

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

It will cause too much other traffic will bring other things to the neighborhood that is not wanted, the house is not for sale and it was for sale.