



Date May 7, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM 1350 E. WASHINGTON, LLC TO REZONE PROPERTY AT 1350 EAST WASHINGTON AVENUE

WHEREAS, on April 23, 2018, by Roll Call No. 18-0685, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on April 5, 2018, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from 1350 E. Washington, LLC (owner), represented by Christian DenOuden (officer), to rezone property locally known as 1350 East Washington Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow use of the existing building to be converted to a multi-family dwelling, subject to the following rezoning conditions:

1. The total number of residential units developed on the Property shall not exceed 8 units;
2. Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings;
3. Any conversion of the building to residential use shall comply with all applicable Building Codes, with all necessary permits, and with Certificate of Occupancy issued by the Permit and Development Center; and

WHEREAS, on April 23, 2018, by Roll Call No. 18-0685, it was duly resolved by the City Council that the application of 1350 E. Washington, LLC to rezone the Property, as legally described below, be set down for hearing on May 7, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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 1350 East Washington Avenue, legally described as:

Lot 232 (except the East 7 feet and the South 13 feet) in UNION ADDITION, 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 Limited "R-3" Multiple-Family Residential District, to allow use of the existing building to be converted to a multi-family dwelling, subject to the conditions stated above as agreed to and accepted by execution of an

Date May 7, 2018

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.
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, Assistant City Attorney

(ZON2018-00027)

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

MOTION CARRIED

APPROVED

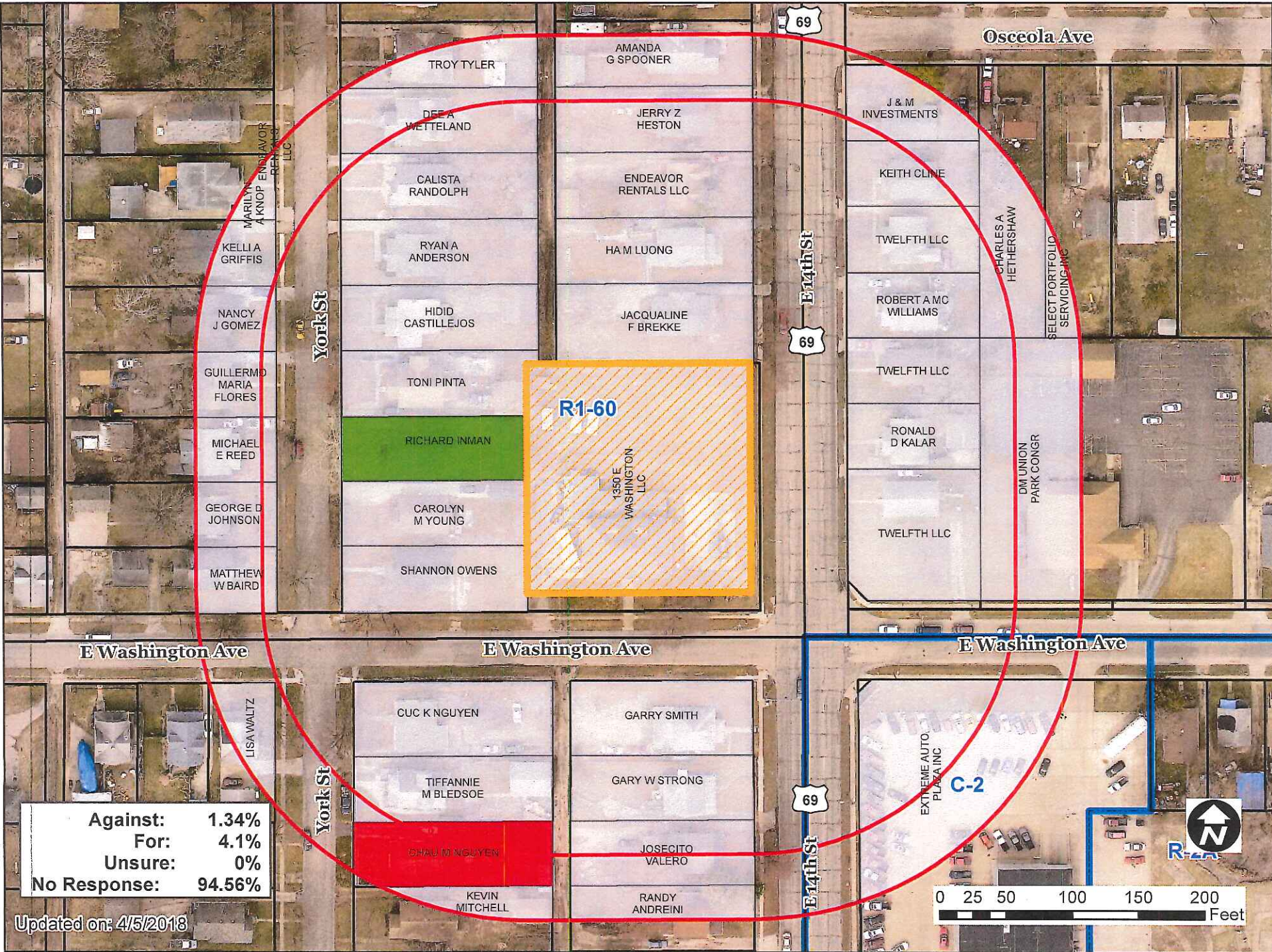
 Mayor

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:	1.34%
For:	4.1%
Unsure:	0%
No Response:	94.56%

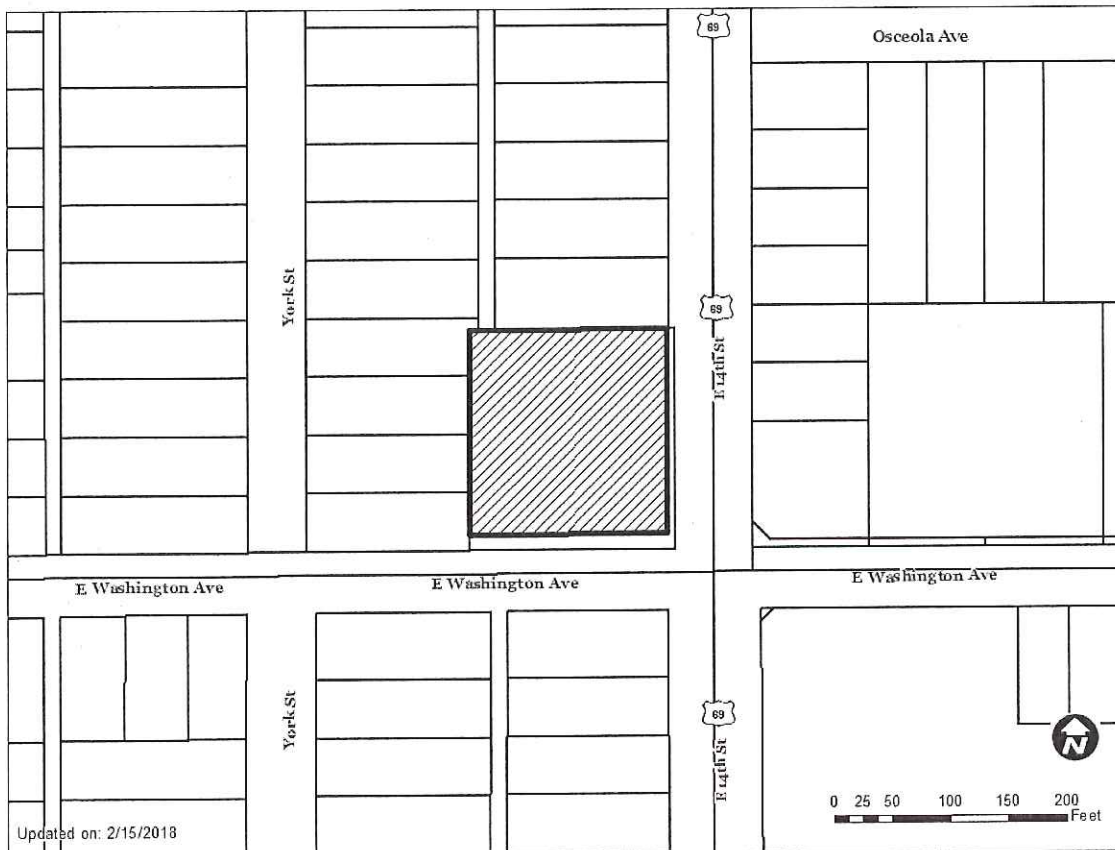
Updated on: 4/5/2018

9/6

1350 E Washington, LLC (owner) represented by Christian DenOuden (officer) for property located at 1350 East Washington Avenue.		File # ZON2018-00027		
Description of Action	Rezoning from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District, to allow the use of the existing building to be converted to a multiple-family dwelling.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	2025-2034 Widen Us 69/E 14 th Street 4 lanes to 5 lanes..			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "VDL" Vehicle Display Lot Overlay District, "GGP" Gambling Games Prohibition Overlay District. and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"R-3" Multiple-Family Residential District, "VDL" Vehicle Display Lot Overlay District, "GGP" Gambling Games Prohibition Overlay District. and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	2	1		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

1350 E Washington, LLC, 1350 Washington Avenue

ZON2018-00027



1 inch = 97 feet

Item ZON2018-00027 Date Mar 30 - 18

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

(Circle One)

RECEIVED

Print Name HA PHAN

COMMUNITY DEVELOPMENT Signature [Signature]

APR 01 2018

Address 1529 York ST DSM, IA 50316

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

Too crowded in the neighbor-
hood. Will bring in more crimes
and violence.

Item ZON2018-00027 Date 3/28/18

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

(Circle One)

RECEIVED

Print Name Endeavor Rentals LLC

COMMUNITY DEVELOPMENT Signature [Signature] TED OSWALD

APR 01 2018

Address PO BOX 456 Granger IA 50109

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

Item ZON2018-00027 Date 3-29-18

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

(Circle One)

RECEIVED

Print Name Richard Inman

COMMUNITY DEVELOPMENT Signature [Signature]

Address 1109 York St

APR 03 2018

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

This property has been vacant and neglected
for a long time. I've spoke to the new
owners about their plans and commitment to
renovating the property. Given the new owners
past success renovating other properties, I am
strongly in favor of them doing the same here.

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April 18, 2018

Date _____
 Agenda Item 46
 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 5, 2018 meeting, the following action was taken regarding a request from 1350 E Washington, LLC (owner) represented by Christian DenOuden (officer) to rezone property located at 1350 East Washington Avenue from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District, to allow the use of the existing building to be converted to a multiple-family dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 requested rezoning to "R-3" Multiple Family Residential District is in conformance with the existing "Low-Medium Density Residential" PlanDSM: Creating Our Tomorrow future land use plan, so long as there is a condition limiting the

development on the site to no more than 8 units (12 units per net acre) maximum; and Part B) to recommend approval of the requested rezoning to "R-3" Multiple-Family Residential District subject to the following conditions:

1. The total number of residential units developed on the subject property shall not exceed 8 units.
2. Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings.
3. Any conversion of the building to residential use shall comply with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center. (ZON2018-00027)

Written Responses

2 in Favor

1 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to "R-3" Multiple Family Residential District in conformance with the existing "Low-Medium Density Residential" PlanDSM: Creating Our Tomorrow future land use plan, so long as there is a condition limiting the development on the site to no more than 8 units (12 units per net acre) maximum.

Part B) Staff recommends approval of the requested rezoning to "R-3" Multiple-Family Residential District subject to the following conditions:

1. The total number of residential units developed on the subject property shall not exceed 8 units.
2. Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings.
3. Any conversion of the building to residential use shall comply with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow the property to be renovated for a 5-unit multiple-family dwelling. The conceptual site sketch submitted with the rezoning indicates that two units would be on each floor of the original historic school building with one unit in the annex addition to the north.
2. **Size of Site:** 175 feet by 175 feet (29,671 square feet or 0.68 acres.)
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District, "VDL" Vehicle Display Lot Overlay District, "FSO" Freestanding Signs Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** The property is developed with a 6,700-square foot historic neighborhood school built circa 1900 that was most recently recognized with the occupancy of the Boys and Girls Club.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", Use is single-family residential.

South - "R1-60", Uses are East Washington Avenue and single-family residential.

East – "R1-60", Uses are East 14th Street and single-family residential.

West – "R1-60", Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the East 14th Street corridor, which contains a mix of residential, commercial, and educational uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Union Park Neighborhood and within 250 feet of both the Capitol Park and Martin Luther King, Jr. Park Neighborhoods. These neighborhoods were notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on March 19, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on March 16, 2018 (20 days prior to the hearing) and March 26, 2018 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all the recognized neighborhood associations on March 30, 2018.

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 Union Park Neighborhood Association mailings were sent to Jack Daugherty, PO Box 16113, Des Moines, IA 50316. The Capitol Park Neighborhood Association mailings were sent to Mazzie Stilwell, PO Box 1993, Des Moines, IA 50305.

The Martin Luther King, Jr. Park Neighborhood Association mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.

The applicant held the required neighborhood meeting on February 22, 2018, and will be available to provide a summary at the hearing.

8. **Relevant Zoning History:** On October 19, 1976, the Zoning Board of Adjustment granted a Special Permit that allowed use of the property for a private non-profit educational youth guidance organization (Boys & Girls Club of Des Moines). That use has since relocated from the site.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low/Medium Density Residential. This is defined as “areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.”
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 Land Use Plan Designation:** The subject property is designated as Low-Medium Density Residential. The proposed 5-units of residential would calculate to 7.35 units per net acre. At 12 units per net acre maximum intended by the PlanDSM designation, the property would reach maximum density at 8 total units on site. The proposed rezoning to an “R-3” Multiple Family Residential District zoning would typically allow up to a maximum of 11 units based on the area of the property when there are no conditions. Therefore, in order for the proposed rezoning to be found consistent with the Low-Medium Density Residential future land use designation, the “R-3” Zoning would need to be limited to a density of no more than 12 units per net acre or a total of 8 units on the site. At this time, only 5 dwelling units are proposed. Therefore, any future building would then be limited to a maximum of 3 dwelling units.
2. **Permit and Development Center Comments:** Any alteration or change of use on the site must be in compliance with the City’s Site Plan regulations, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access. Conversion to a multiple-family dwelling will also require review of the Site Plan under design guidelines for multiple-family dwellings by the Plan and Zoning Commission.

The proposed renovation of the building for a multiple-family dwelling will require a change of occupancy reviewed by the City’s Permit & Development Center under

applicable Building and Fire Codes This should include issuance of all necessary permits and a Certificate of Occupancy.

3. **Landscaping & Buffering:** Any development of the site will require landscaping in accordance with the City's Landscape Standards reviewed as part of the Site Plan. These standards generally include open space, bufferyard, and parking lot plantings. Future development of the site would also be subject to the City's Tree Removal and Mitigation Ordinance (Article X Chapter 42 of the City Code).
4. **Drainage/Grading:** Any additional development of the site must also comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.
5. **Utilities:** There is an existing 8-inch water main in the East Washington Avenue Right-Of-Way to the south. The existing building has water service from this existing 8-inch main. Any fire sprinklers required for the conversion would require a new fire service. There is a 15-inch public sanitary sewer in East Washington Avenue and there is public storm sewer within East 14th Street that extends along the east side of the subject property. There is also public sanitary sewer in East 14th Street. However it is less preferred to have service from this main to avoid disruption to U.S. Highway 69 (East 14th Street).
6. **Access or Parking:** The site has one existing access drive to East Washington Avenue. Based on a proposed 5-unit building, eight parking spaces would be required at a minimum. This would be required to be outside of the front yard setbacks along East Washington Avenue and East 14th Street.

SUMMARY OF DISCUSSION

Jaquelyn Easley asked if anyone was present to speak on this item. No one was present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for approval of Part A) To find the requested rezoning to "R-3" Multiple Family Residential District is in conformance with the existing "Low-Medium Density Residential" PlanDSM: Creating Our Tomorrow future land use plan, so long as there is a condition limiting the development on the site to no more than 8 units (12 units per net acre) maximum; and Part B) to recommend approval of the requested rezoning to "R-3" Multiple-Family Residential District subject to the following conditions:

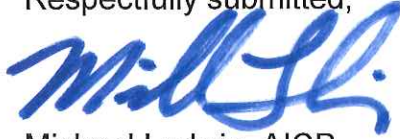
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3. Any conversion of the building to residential use shall comply with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

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Motion Passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

EML:tjh