



Date September 10, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM INDIGO DAWN, LLC
TO REZONE PROPERTY AT 1345 7TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 16, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Indigo Dawn, LLC (purchaser), to rezone property locally known as 1345 7th Street (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “R-2” Two-Family Residential District, to allow conversion of the existing vacant building on the Property to a two-family dwelling, subject to the following rezoning conditions:

1. Vehicular access to the Property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblineline shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building on the Property.
2. The existing building on the Property shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling; and

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

LOT 22 GRAND PARK, 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 September 24, 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.



Roll Call Number

Agenda Item Number

20

Date September 10, 2018

MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2018-00139)

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

MOTION CARRIED

APPROVED

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.

_____ Mayor

_____ City Clerk



September 4, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 2, 2018 meeting, the following action was taken regarding a request from Indigo Dawn, LLC (purchaser), represented by Chaden Halfhill (officer), to rezone property located at 1345 7th Street from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District, to allow conversion of the existing vacant building to a two-family dwelling. The subject property is owned by Adair Holdings, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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) the proposed "R-2" Two-Family Residential District in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential within a Community Node and Part B) **approval** of the

proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District subject to the following conditions:

1. Vehicular access to the property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblin shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building.
2. The existing building shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling.

(ZON2018-00139)

Written Responses

1 in Favor

0 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the proposed "R-2" Two-Family Residential District in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential within a Community Node.

Part B) Staff recommends approval of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District subject to the following conditions:

1. Vehicular access to the property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblin shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building.
2. The existing building shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property contains a residential building that contains four (4) dwelling units. However, the property has been vacant for an extended period so it has lost its legal non-conforming rights to more than one (1) dwelling unit. The applicant is proposing to renovate the building and convert it to a two-family dwelling.
2. **Size of Site:** 50 feet by 130 feet (6,500 square feet or 0.149 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.

4. **Existing Land Use (site):** The subject property contains a two-story structure that was built as a single-family dwelling circa 1886 but was later converted to four dwelling units.

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

North – “R1-60”; Uses are a single-family dwelling, a 3-unit residential building and an office building.

South – “R1-60”; Use is a two-family dwelling.

East – “C-1”; Use is a Salvation Army facility.

West – “R1-60”; Use is a church.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of 7th Street to the south of the intersection with Forest Avenue. The adjoining segment of 7th Street contains a mix of single-family and small multiple-family dwellings. The properties to the east are commercially used and front the 6th Avenue corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the River Bend Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on July 27, 2018. A Final Agenda was mailed to the neighborhood associations on August 10, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on July 27, 2018 (20 days prior to the hearing) and on August 8, 2018 (10 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 River Bend Neighborhood Association notices were mailed to Breanne Barnum, 1919 Arlington Avenue, Des Moines, IA 50314.

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

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low-Medium Density Residential within a Community Node.

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 PlanDSM Comprehensive Plan was approved on April 25, 2016. 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 site is located within a Community Node on the Future Land Use Map that is centered on the University Avenue and 6th Avenue intersection. Community Nodes are described as “mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context.” They “consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node.” They “may include a shopping district including a grocery and drug store” and “residential development including medium and high densities may occur.”

The proposed two (2) dwelling units on a 0.149-acre parcel represents a net density of 13.4 units per acre, which exceeds the 12-dwelling unit per net acre maximum of the Low-Medium Residential designation. However, the Community Node designation allows medium-to-high density residential development. Therefore, the proposed “R-2” Two-Family Residential District is in conformance with PlanDSM Creating Our Tomorrow.

In addition, the proposed rezoning is supported by numerous PlanDSM Goals and Policies including:

Land Use Goal 2

Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

LU13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

Land Use Goal 4

Continue to embrace the distinct character of Des Moines’ neighborhoods while allowing for new development and redevelopment.

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.

LU24: Provide safe and pleasant walking and biking routes to neighborhood features including commercial areas, public spaces, recreational facilities, and schools.

LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.

LU26: Strengthen the walkability and connectivity within and between neighborhoods

focusing on completing and connecting the sidewalk network.

Housing Goal 1

Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.

H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

Housing Goal 3

Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.

H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.

H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

Community Character and Neighborhood Goal 1

Embrace the distinct character offered in each of Des Moines' neighborhoods.

CCN1: Celebrate the City's culture and diversity through the creation of vibrant neighborhood nodes and corridors.

CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character.

2. **Site Plan Requirements:** Two-family and single-family dwellings are not subject to site plan review.
3. **Access or Parking:** The Zoning Ordinance requires 1 off-street parking space per dwelling unit for two-family and single-family dwellings. The two required parking spaces for the proposed two-family dwelling must be located outside of the front yard. Staff recommends that parking be provided in the rear yard that is accessed from the alley. This would ensure that required parking does not occur in the front yard and would reduce visual clutter along the street caused by parked vehicles in the front yard area. Reducing the number of curb cuts along a street also enhances pedestrian safety.
4. **"R-2" District Bulk Regulations:** The Zoning Ordinance requires the following to be provided for two-family dwellings within the "R-2" District:
 - Minimum lot area of 10,000 square feet,
 - Minimum lot width of 60 feet,
 - 30-foot building setback from the front property line, or calculated average, and
 - Building side yard setbacks totaling 15 feet with no less than 7 feet being provided on one side.

The subject property measures 50 feet by 130 feet (6,500-square feet) and would not comply with the minimum lot area, lot width and side yard bulk regulations if used for two (2) dwelling units. It may meet the calculated front yard setback based on the adjoining dwellings, which appear to have similar setbacks. Zoning Board of Adjustment relief of the bulk regulations would be required prior to the issuance of building permits to allow the building to be converted to a two-family dwelling.

SUMMARY OF DISCUSSION

Jan Freed asked if anyone was present to speak on this item. None were present or requested to speak.

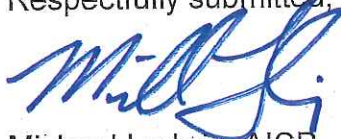
COMMISSION ACTION:

Greg Jones made a motion for **approval** of Part A) the proposed "R-2" Two-Family Residential District in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low-Medium Density Residential within a Community Node and Part B) **approval** of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District subject to the following conditions:

1. Vehicular access to the property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblin shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building.
2. The existing building shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling.

Motion passed: 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

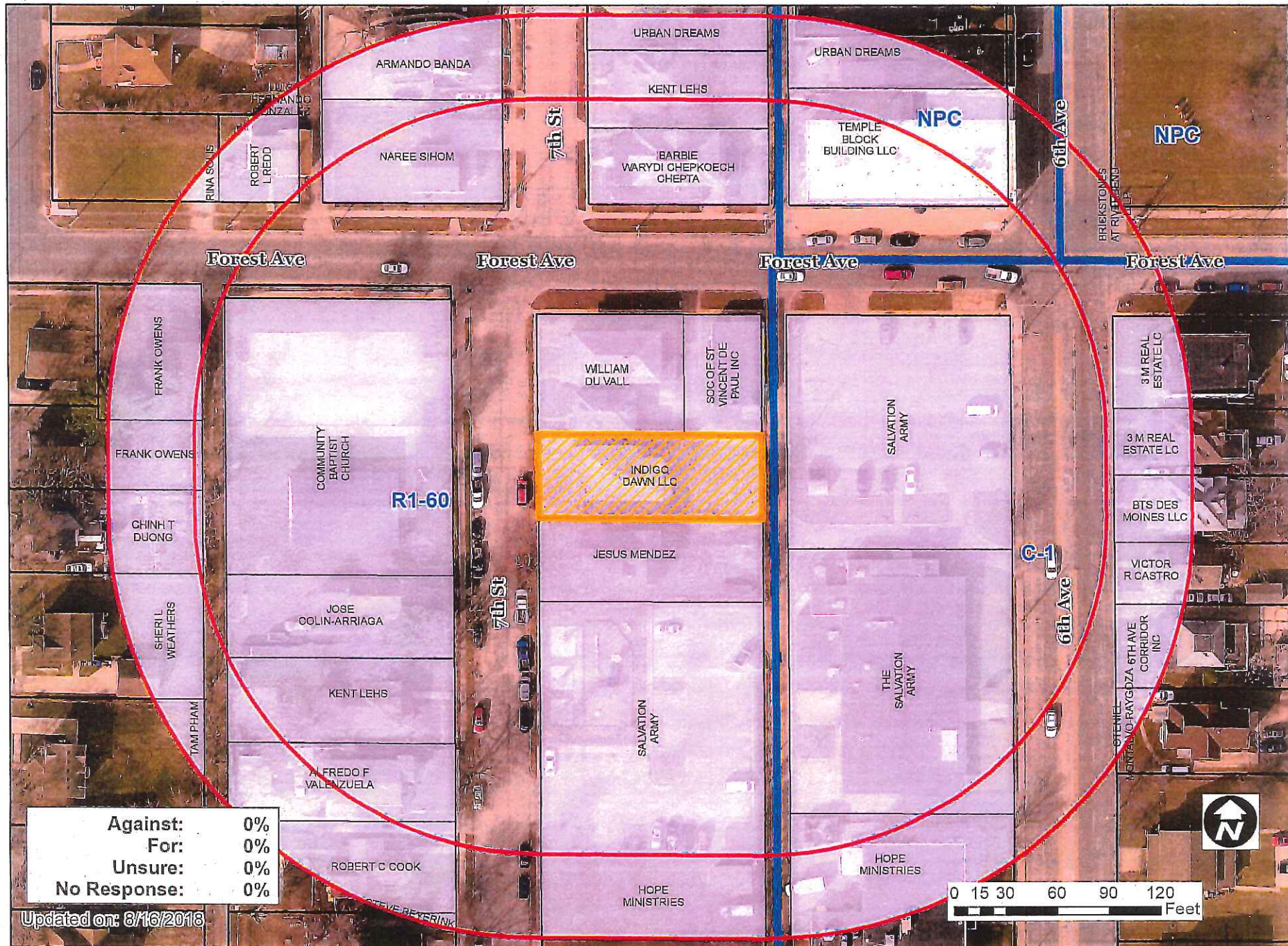
Indigo Dawn, LLC (purchaser), represented by Chaden Halfhill (officer), for property located at 1345 7th Street. The subject property is owned by Adair Holdings, LLC.		File #		
		ZON2018-00139		
Description of Action	Rezone the property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District, to allow conversion of the existing vacant building to a two-family dwelling.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential within Community Node. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"R-2" Two-Family Residential 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	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Indigo Dawn, LLC, 1345 7th Street

ZON2018-00139



1 inch = 75 feet



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

Updated on: 8/16/2018

1 inch = .75 feet

Item ZON2018-00139

Date 8-10-18

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

SUBJECT PROPERTY
REP.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name

INDIGO DAWN, LLC
CHADEN HALPHILL

Signature

Chad Halphill

AUG 13 2018

Address

610 FOREST

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

COULD HELP AREA, NICE TO SEE HOUSE
LONG ABANDONED REVITALIZED



July 2018

RE: Rezoning of 1345 7th Street

The River Bend Neighborhood Association is supportive of the rezoning request for 1345 7th Street.

We're pleased that Indigo Dawn is rehabilitating the property in a historically sensitive manner which will hopefully serve as a catalyst for additional improvements in the vicinity of the property. The house was most recently a four plex, so decreasing the number of units to a duplex is a step in the right direction. We appreciate the design's ability to relatively easily allow future homeowners to return the home to single-family use. Investing in a sensitive rehabilitation that retains the house's historic exterior character and requires two units to make financial sense is more impactful to the revitalization of our neighborhood than conversion to a single-family residence without historically sensitive improvements. Ultimately, this project will provide two units of quality housing in an area of the neighborhood adjacent to a commercial node and near existing multi-family housing.

We encourage the Plan and Zoning Commission to favorably consider this request. If members of the review board have questions about our support, I can be reached at 515-422-4920 or breannebarnum@gmail.com.

Thank you,

Breann Barnum
President, River Bend Neighborhood Association