



Date February 11, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
HOME OPPORTUNITIES MADE EASY, INC. TO REZONE PROPERTY
LOCATED AT 1321 AND 1325 FREMONT STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Home Opportunities Made Easy (H.O.M.E.), Inc. (purchaser), represented by Pam Carmichael (officer), to rezone property located at 1321 and 1325 Fremont Street (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “R-2” Two-Family Residential District, to allow the two parcels to be combined and developed with a two-family dwelling, subject to the following conditions:

1. Permitted uses shall be limited to one-family or two-family residential.
2. The unit plans and architecture shall be compatible with the image shown to the Plan and Zoning Commission.
3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
8. 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 is legally described as follows:

LOTS 22 AND 23, BLOCK 30, STEWART’S ADDITION, AN OFFICIAL PLAT, ALL 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:



Roll Call Number

Agenda Item Number

17

Date February 11, 2019

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 February 25, 2019, 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

(ZON2018-00239)

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



Date February 11, 2019
 Agenda Item 17
 Roll Call # _____

February 5, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 17, 2019 meeting, the following action was taken regarding a request from Home, Inc. (purchaser) represented by Pamela Carmichael (officer) to rezone property located at 1321 and 1325 Fremont Street from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District, to allow the properties to be combined and to allow development of a two-family dwelling. The property is owned by Community Housing Initiatives represented by Doug LaBounty (officer).

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				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

RECOMMEND APPROVAL of Part A) the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low 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. The unit plans and architecture should be compatible with the image shown (provided in the record).
3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
8. 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.

(ZON2018-00239)

Written Responses

0 in Favor

3 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends the following:

Part A) That the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low Density Residential.

Part B) 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 a full-depth basement.
3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).

5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
8. 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 parcels in order to allow development of a two-family dwelling (duplex). If the property is rezoned to "R-2" District, the two (2) existing 7,500-square foot lots would be combined. This would allow the property to comply with the bulk regulations required for a duplex in an "R-2" District since the property would have at least 100 feet of frontage and at least 10,000 square feet of lot area.
2. **Size of Site:** 100 feet by 150 feet (15,000 square feet or 0.34 acre).
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):** The site is comprised of two (2) 50-foot by 150-foot (7,500 square feet each) undeveloped lots. Each lot of record could have a single-family dwelling constructed upon it. Therefore, the proposed rezoning does not allow increased density.
5. **Adjacent Land Use and Zoning:**

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

South – "R1-60"; Uses are single-family dwellings.

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 in between the freeway to the south and East University Avenue to the north.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Capitol Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agendas on November 30, 2018 and December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 30, 2018 (20 days prior to the December 20, 2018 hearing) and December 10, 2018 (10 days prior to the December 20, 2018 hearing) to the Capitol 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 14, 2018 and January 11, 2019.

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 Capitol Park Neighborhood Association notices were mailed to Mazie Stilwell, 1367 Pennsylvania Ave, Des Moines, IA 50305.

The applicant will be available at the public hearing to provide a summary of their required neighborhood meeting.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential, which is defined as "Areas developed with primarily single-family and two-family residential units with up to 6 dwelling 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:** The proposed rezoning to the "R-2" Two-Family Residential District is compatible with the Low Density future land use designation. The Plan defines this designation as "Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre." The proposed two (2) dwelling units on a 15,000 site represents a net density of 5.8 units per 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 submitted design indicates that the structure would have a slab foundation. Staff recommends that any dwelling unit have 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.

Pam Carmichael, Director of Home, Inc. stated they agree with all staff recommendations with the exception of a requirement for basements. The plans they've had for this project never included a basement. When they include basements for long term rental properties, they find it becomes extra living space which goes against the housing code. They do not intend to sell these as ownership properties. They are willing to incorporate 2 car garages to allow space for more storage and that will cost an additional \$5,000 per unit. If they are required to add basements, it would put them above the funding amount that is available for this project.

Mike Simonson asked where residents will be parking?

Pam Carmichael stated they will be providing a 2 car garage and a 2 car approach off the alley.

Will Page asked if they have presented this plan to the City.

Pam Carmichael stated she has spoken with the City and does understand the basements are a requirement and if exceptions were made, others would expect the same.

Jacqueline Easley asked if they have held their neighborhood meeting?

Pam Carmichael stated yes, it was held on January 3, 2019 but no one showed up. She did attend the Neighborhood Association meeting and they are in favor of this project.

Erik Lundy clarified condition #8 is to provide a garage so staff was already taking that into consideration when the recommendation was made.

CHAIRPERSON OPENED THE PUBLIC HEARING

Nobody spoke in support or opposition of the application.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson made a motion to recommend **APPROVAL** of Part A) the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Low Density Residential.

Motion Carried 8-0

Mike Simonson made a motion to recommend **APPROVAL** of 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. The unit plans and architecture should be compatible with the image shown (provided in the record).
3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
8. 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.

Motion Carried: 8-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

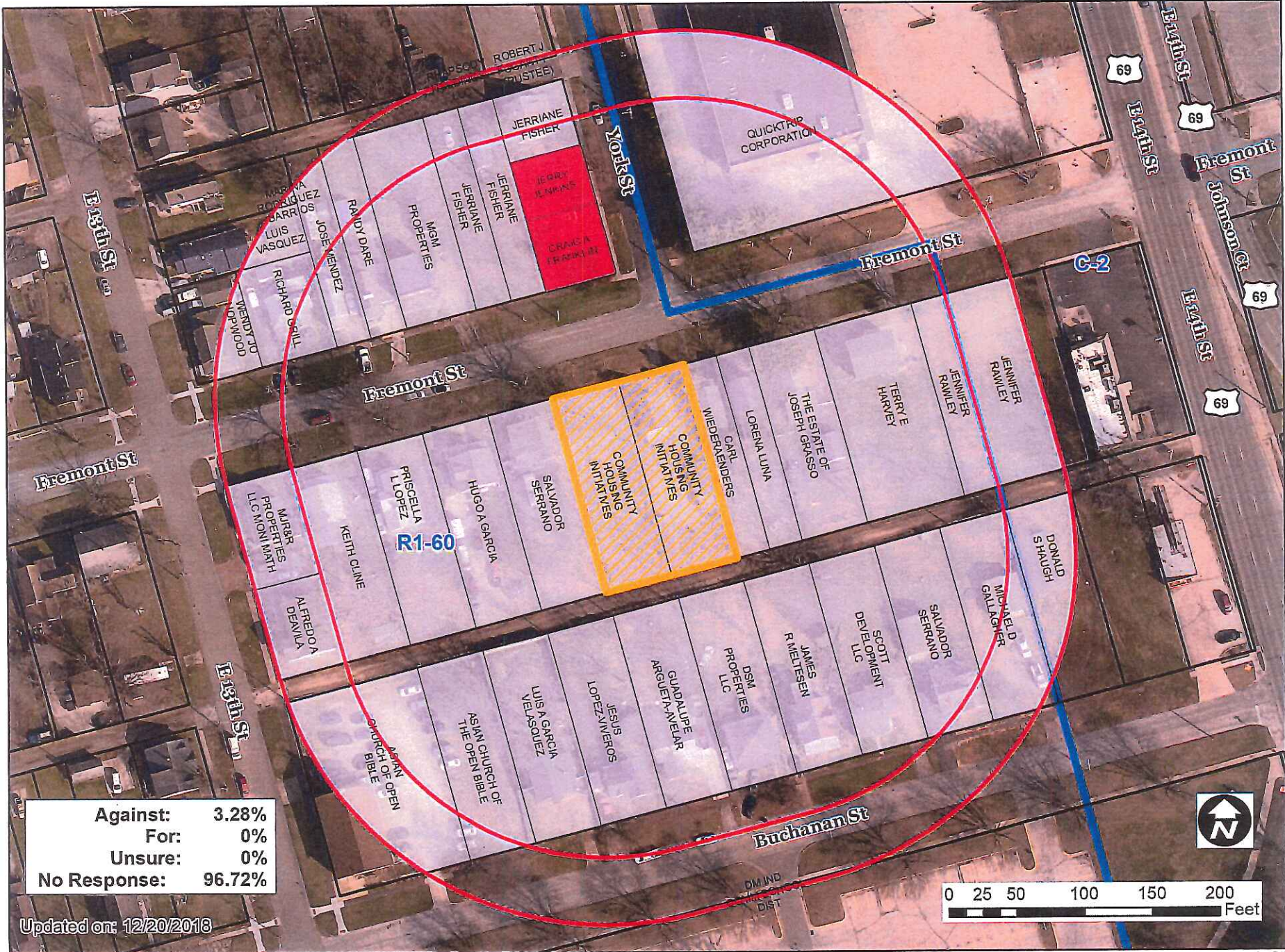
Home, Inc. (purchaser) represented by Pamela Carmichael (officer) for property located at 1321 and 1325 Fremont Street. The property is owned by Community Housing Initiatives represented by Doug LaBounty (officer).				File # ZON2018-00239	
Description of Action	Rezone from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District, to allow the properties to be combined and to allow development of a two-family dwelling.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
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-2" Two-Family Residential District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	3			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Home, Inc., 1321 and 1325 Fremont Street

ZON2018-00239



1 inch = 95 feet



Against:	3.28%
For:	0%
Unsure:	0%
No Response:	96.72%

Updated on: 12/20/2018

1 inch = 95 feet

Item ZON2018-00239 Date 10/15/2018

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Craig Franklin

Signature *[Handwritten Signature]*

Address 1102 York St Dsm

DEC 20 2018

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

To many rentals, too many guns +
violence + theft

Item ZON2018-00239 Date 12-13-18

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name KEITH CLINE

Signature *[Handwritten Signature]*

Address 1305 FREMONT, DSM

DEC 21 2018

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

Item ZON2018-00239
I (am) (am not) in favor of the request.
(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name J JENKINS

Signature

DEC 17 2018

Address 1166 YORK ST

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

To many Rentals - Rental houses in
that block + danger - Please (no)

Date 12-13-18



17

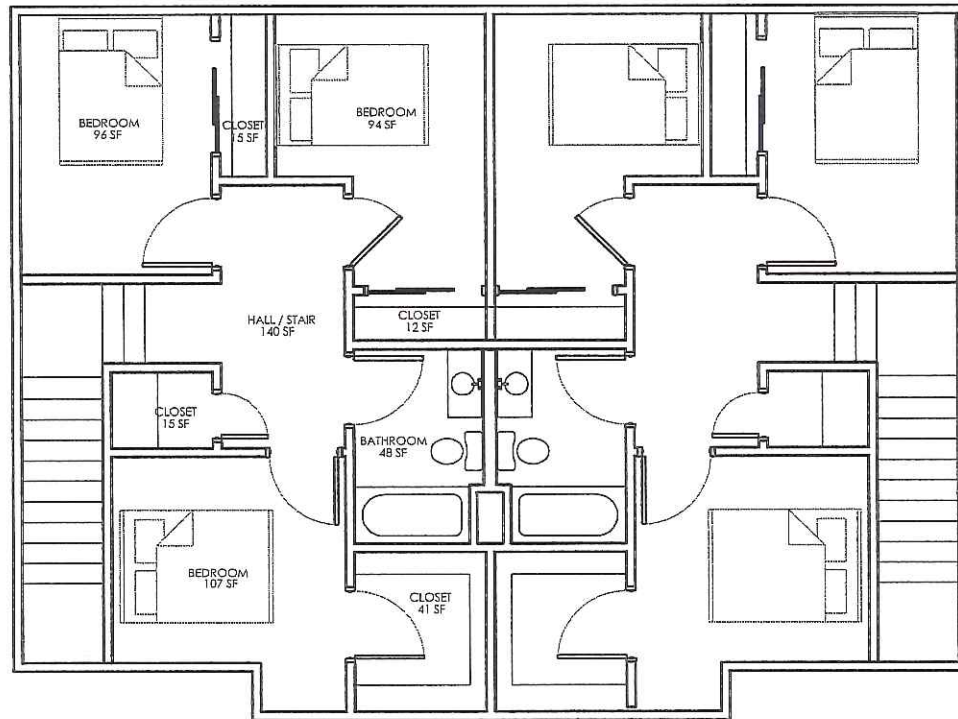


12/13/2018



12/13/2018





SECOND FLOOR DUPLEX
 1/8"=1'-0" 603 SF PER UNIT

ARCHITECTS SCHIPPER KASTNER 3716 Ingersoll Ave., Ste. A, Des Moines, IA 50312 office: 515.277.6707 fax: 555.277.7768

ARCHITECTURE INTERIORS PLANNING

**13TH AND CLARK SUPPORTIVE HOUSING PROJECT
 HOME INC.**

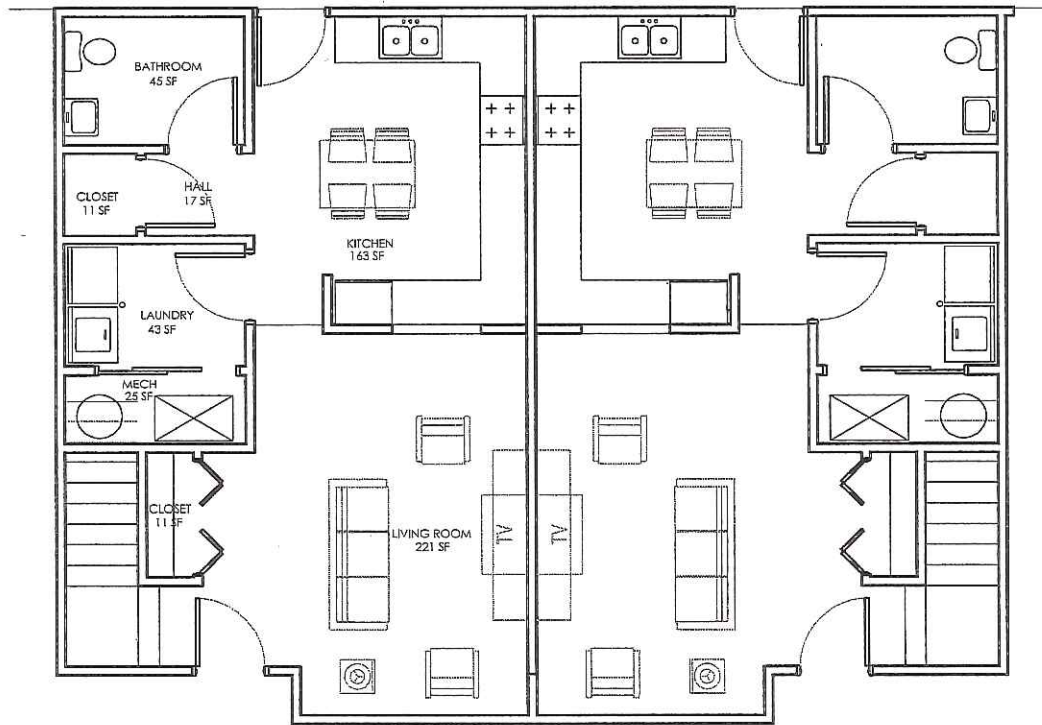
DES MOINES, IOWA

ISSUE DATE:
 1.31.2012

ASK STUDIO
 COPYRIGHT 2011
 ASK STUDIO

PROJECT 10000
 A3

17



FIRST FLOOR DUPLEX
 1/8"=1'-0" 603 SF PER UNIT

ARCHITECTS SCHIPPER KASTNER 3716 Ingersoll Ave., Ste. A, Des Moines, IA 50312 office: 515.277.6707 fax: 555.277.7768

ARCHITECTURE INTERIORS PLANNING

13TH AND CLARK SUPPORTIVE HOUSING PROJECT
 HOME INC.

DES MOINES, IOWA

ISSUE DATE:
 1.31.2012

PROJECT 10000
 A2

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