

Date February 25, 2019

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

**WHEREAS**, on February 11, 2019, by Roll Call No. 19-0201, the City Council received a communication from the City Plan and Zoning Commission advising 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**, on February 11, 2019, by Roll Call No. 19-0201, it was duly resolved by the City Council that the application of H.O.M.E., Inc. to rezone the Property, as legally described below, be set down for hearing on February 25, 2019 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 1321 and 1325 Fremont Street, legally described as:



**Date** February 25, 2019

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


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 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.

**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, 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

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

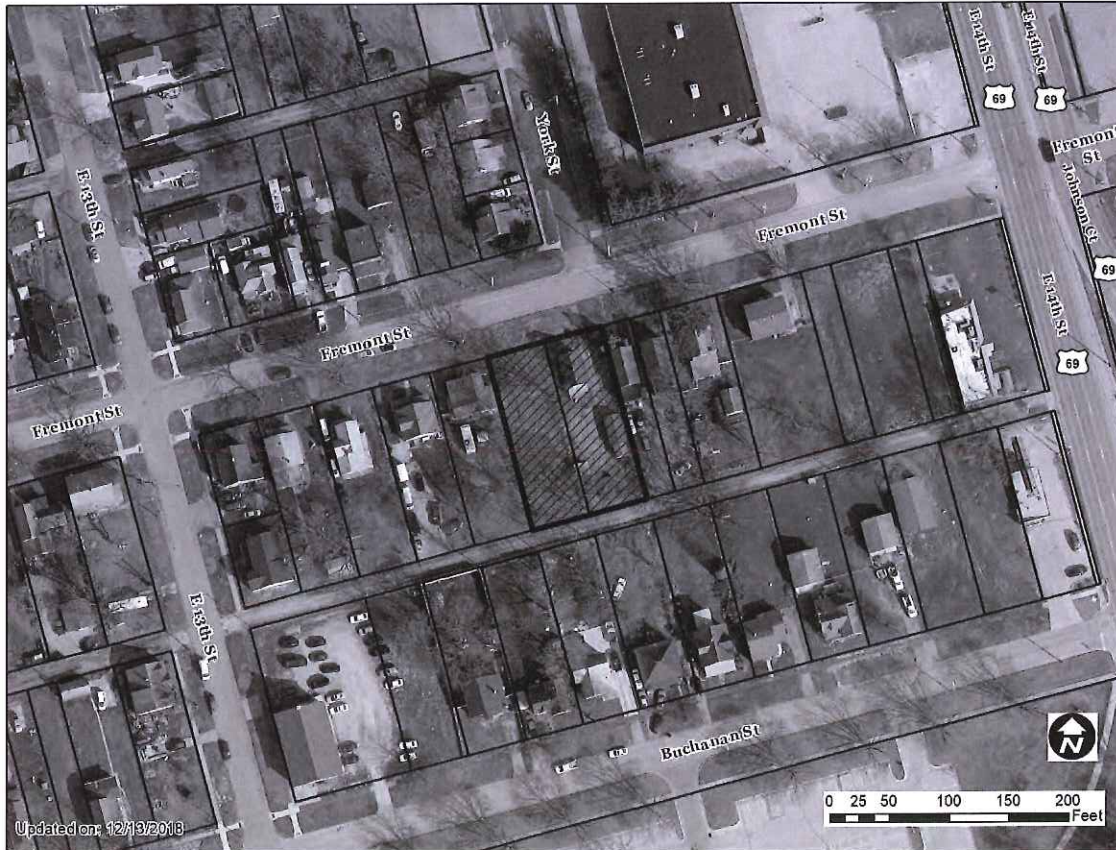
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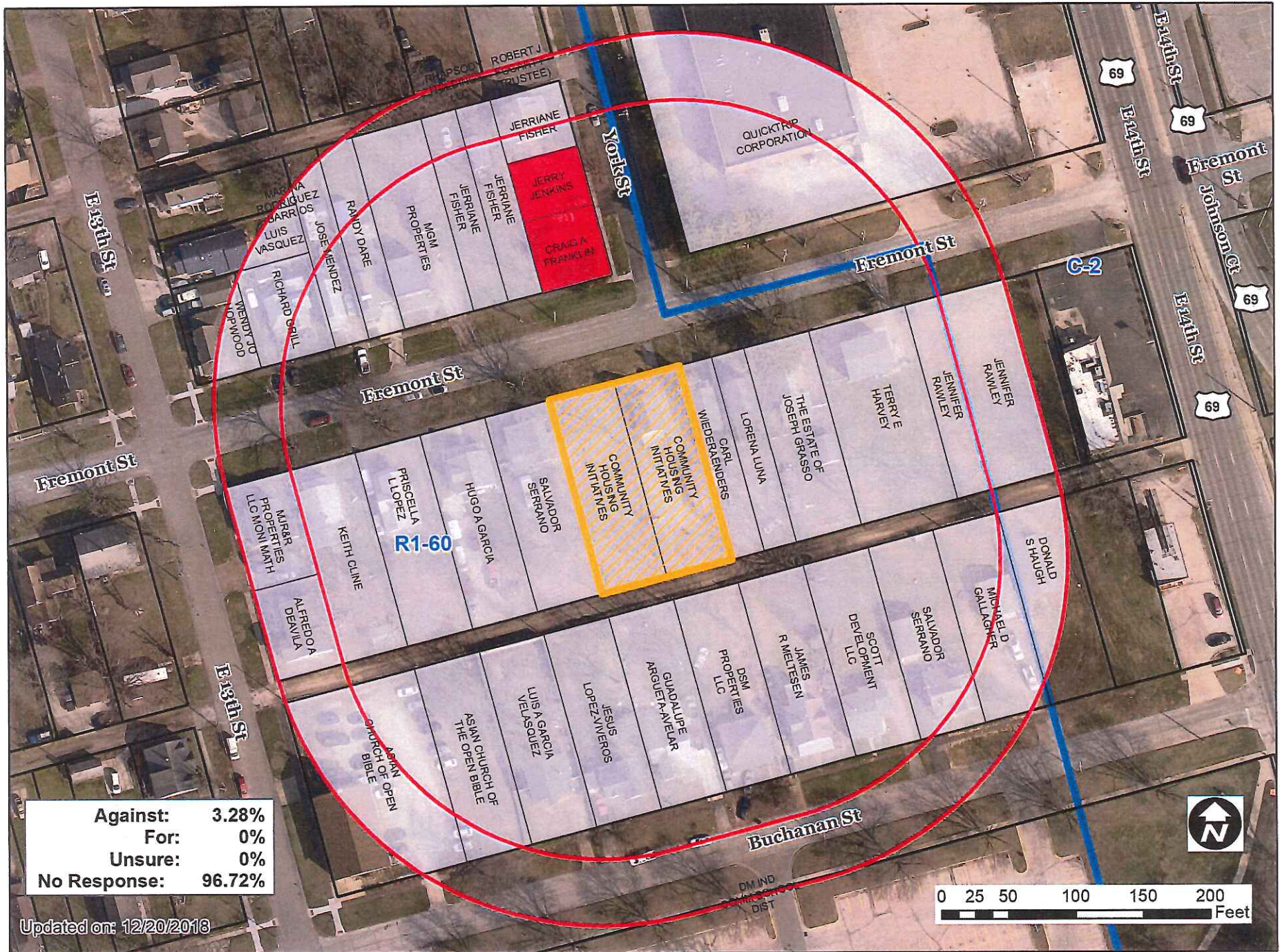
Home, Inc. (purchaser) represented by Pamela Carmichael (officer) for property located at 1321 and 1325 Fremont Street. The property is owned by Community Housing Initiatives represented by Doug LaBounty (officer).				File # ZON2018-00239	
Description of Action	Rezone from "R1-60" One-Family Low-Density 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

45





12/13/2018



12/13/2018



Item ZON2018-00239 Date 10/15/2018

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

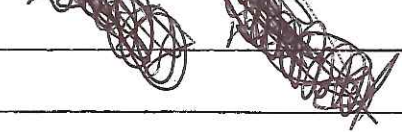
Print Name Craig Franklin

Signature 

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 + some 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 Keith Cline

Address 1305 FREMONT, DSM

DEC 21 2018

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2018-00239 Date 12-13-18  
I (am) (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name J JENKINS

Signature \_\_\_\_\_

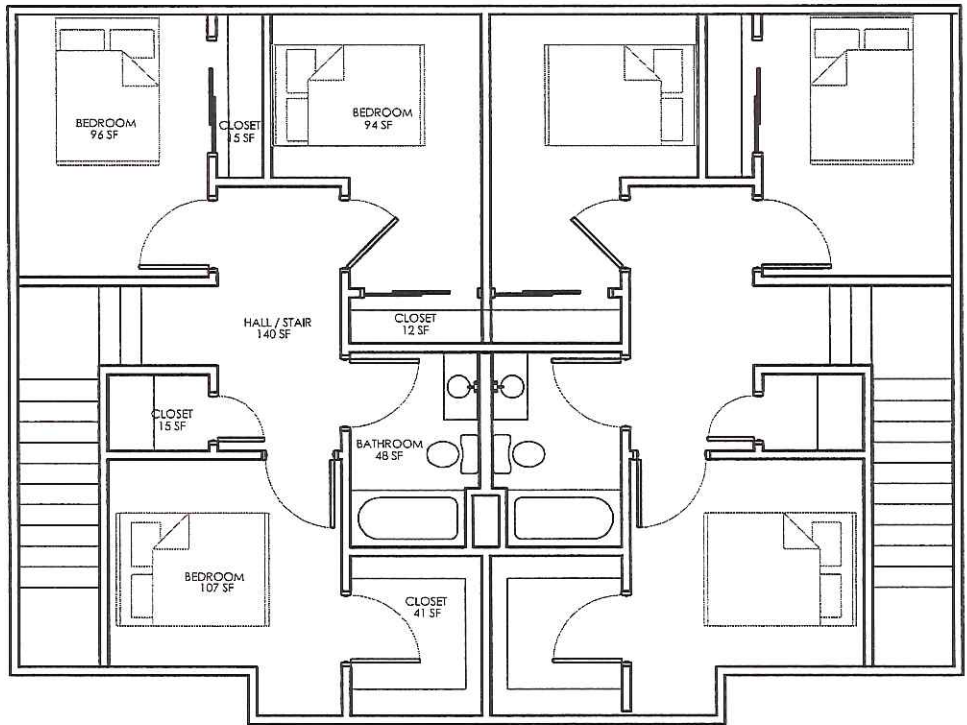
DEC 17 2018

Address 1106 YORK ST

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

To many Rentals - Rental homes in that block + danger - please no

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**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

PROJECT 10000

A3

ISSUE DATE:  
1.31.2012

13TH AND CLARK SUPPORTIVE HOUSING PROJECT  
HOME INC.

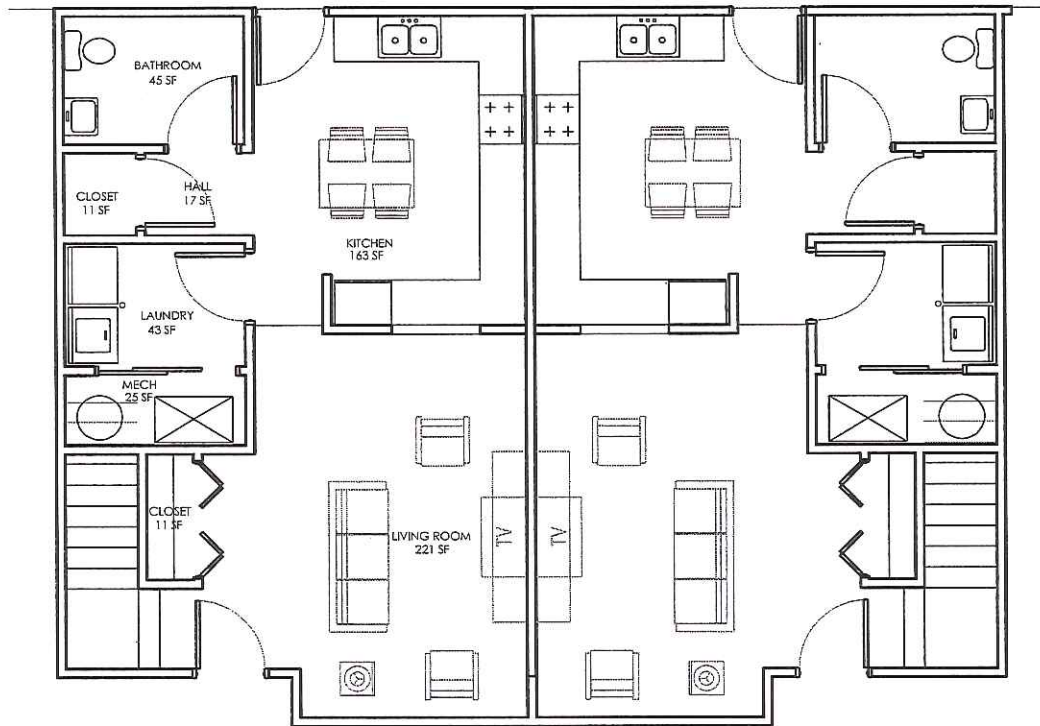
DES MOINES, IOWA

COPYRIGHT 2011  
ASK STUDIO

STUDIO

ASK





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

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

DES MOINES, IOWA

ISSUE DATE:  
 1.31.2012

PROJECT 10000  
 A2

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 ASK STUDIO

ASK  
 STUDIO

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