



Date March 11, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM SAVANNAH HOMES, INC. TO REZONE PROPERTY LOCATED AT 4320 EAST 46<sup>TH</sup> STREET**

WHEREAS, on February 25, 2019, by Roll Call No. 19-0283, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on February 7, 2019, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Savannah Homes, Inc. (purchaser), represented by Ted Grob (officer), to rezone property located at 4320 East 46<sup>th</sup> Street ("Property") from "A-1" Agricultural District to Limited "R1-60" One-Family Low-Density Residential District, to allow subdivision of the Property into approximately 16 single-family residential lots, subject to the following conditions:

1. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Any development upon the Property shall include a minimum of one street tree per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
3. No same house plan shall be built on adjacent lots.
4. Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
5. Any house shall have a minimum two-car attached garage.
6. The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. Stone or brick masonry siding covering at least 1/3 of the façade.
7. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
8. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
9. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
10. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
11. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
12. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
13. Any chain link fence shall have black vinyl cladding; and



**Roll Call Number**

**Agenda Item Number**

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**Date** March 11, 2019

**WHEREAS**, on February 25, 2019, by Roll Call No. 19-0283, it was duly resolved by the City Council that the application of Savannah Homes, Inc. to rezone the Property, as legally described below, be set down for hearing on March 11, 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 4320 East 46<sup>th</sup> Street, legally described as:

THE NORTH 5 ACRES OF THE EAST ½ OF THE SOUTH 30 ACRES OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 21, TOWNSHIP 79, RANGE 23, WEST OF THE 5<sup>TH</sup> P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT PARCEL B BOOK 7498 PAGE 966

from “A-1” Agricultural District to Limited “R1-60” One-Family Low-Density Residential District, to allow subdivision of the Property into approximately 16 single-family residential lots, 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 “R1-60” One-Family Low-Density 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 “R1-60” One-Family Low-Density 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.



**Roll Call Number**

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**Date** March 11, 2019

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
\_\_\_\_\_  
Glenna K. Frank, Assistant City Attorney

(ZON2019-00001)

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

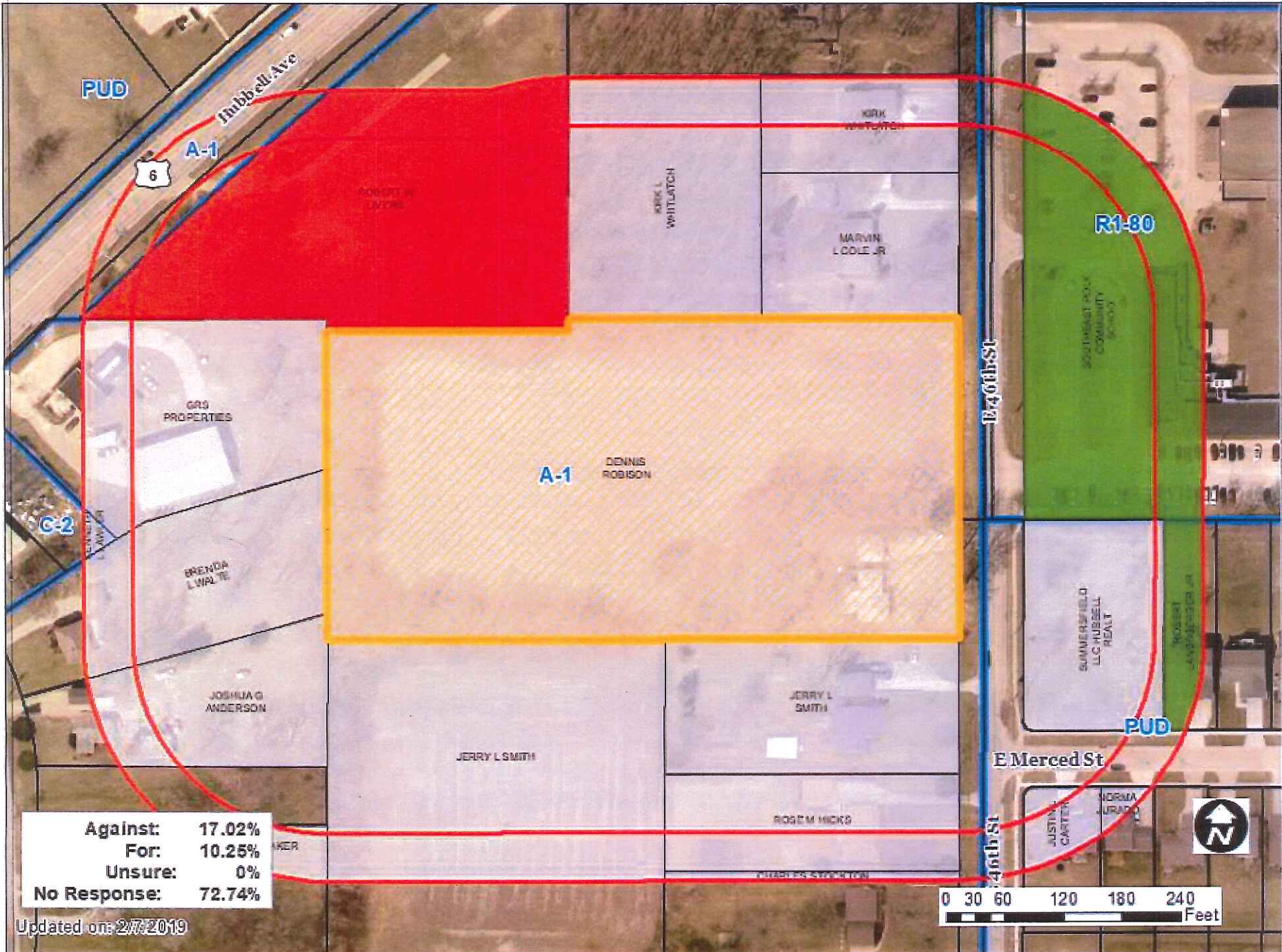
**CERTIFICATE**

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:	17.02%
For:	10.25%
Unsure:	0%
No Response:	72.74%

Updated on: 2/7/2019

1 inch = 132 feet

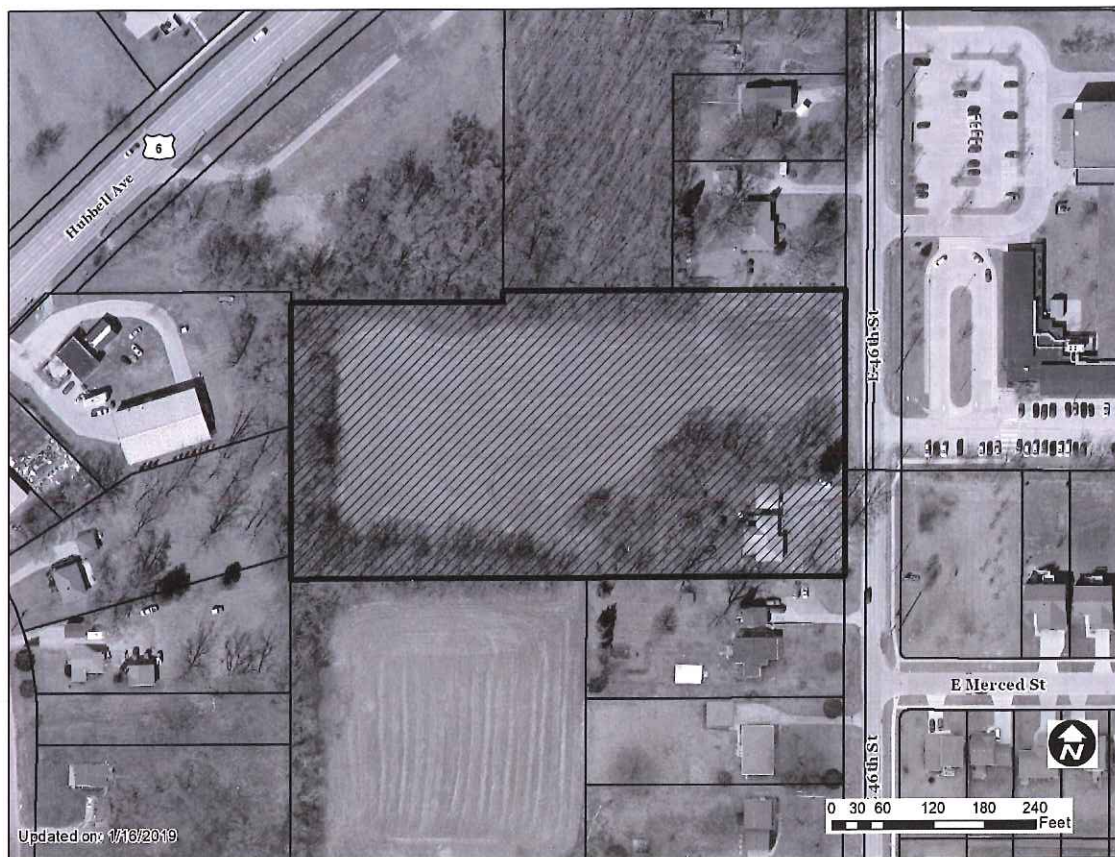
62



Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) for property located at 4320 East 46th Street. The subject property is owned by Dennis and Kenneth Robison.				File # ZON2019-00001	
Description of Action	Rezone property from "A-1" Agricultural District to "R1-60" One-Family Low-Density Residential District, to allow single-family residential development.				
PlanDSM Future Land Use	Current: Low Density Residential District. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"A-1" Agricultural District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential 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	X

Savannah Homes, Inc., 4320 East 46th Street

ZON2019-00001





February 19, 2019

Date \_\_\_\_\_  
 Agenda Item 62  
 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 February 7, 2019 meeting, the following action was taken regarding a request from Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) to rezone property located at 4320 East 46<sup>th</sup> Street from "A-1" Agricultural District to "R1-60" One-Family Low-Density Residential District, to allow single-family residential development. The subject property is owned by Dennis and Kenneth Robison.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 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

**APPROVAL** of Part A) the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow; and to recommend **APPROVAL** of Part B) rezoning the subject property to R1-60 subject to the following conditions:



1. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Any development upon the property shall include a minimum of one street tree per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- ~~3. Any development upon the property shall provide a north/south connection to provide access to the 2.86-acre parcel adjacent to the south.~~
4. No same house plan shall be built on adjacent lots.
5. Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
6. Any house shall have a minimum two-car attached garage.
7. The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. Stone or brick masonry siding covering at least 1/3 of the façade.
8. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
9. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
10. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
11. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
12. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
13. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
14. Any chain link fence shall have black vinyl cladding.

(ZON2019-00001)

#### Written Responses

2 in Favor

1 in Opposition

#### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow.

Part B) Staff recommends approval of the rezoning subject to the following revisions:

1. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Any development upon the property shall include a minimum of one street tree per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
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12. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
13. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
14. Any chain link fence shall have black vinyl cladding.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the applicant to subdivide the property into lots that would each have a minimum width of at least 60 feet. The applicant has submitted a conceptual layout that consists of 16 lots for single-family residential development, including a lot that would contain the existing dwelling.
2. **Size of Site:** The property general measures 330 feet by 645 feet (211,900 square feet or 4.87 acres).



3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** The southeastern portion of the parcel contains a single-family dwelling with a detached garage. The balance of the parcel is currently used for agricultural production.

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

**North** – "A-1"; Uses are single-family dwellings and undeveloped land along Hubbell Avenue.

**South** – "A-1"; Uses are single-family dwellings and agricultural production.

**East** - "R1-80" & Summerfield "PUD"; Uses are Delaware Elementary School and single-family dwellings.

**West** – "A-1"; Uses are single-family dwellings and auto repair.

6. **General Neighborhood/Area Land Uses:** The site is located along the west side of East 46<sup>th</sup> Street in an area that includes a mix of low-density residential, agricultural, and educational uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on February 9, 2018. Notifications of the hearing for this specific item were mailed on February 9, 2018 (20 days prior to the public hearing) and February 16, 2018 (13 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

The applicant is required to conduct a neighborhood meeting with surrounding property owners. The applicant held a neighborhood meeting on January 31, 2019. The applicant can provide a summary of that meeting at the public hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low 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 Plan Land Use Plan Designation:** The subject property is designated as "Low Density Residential" on the Future Land Use Map.

PlanDSM describes this designation as “areas developed with primarily single family and two-family units up to 6 units per net acre. The proposed concept with 16 dwelling units on 4.87 acres represents a density of 3.29 units per net acre, which is in conformance with this designation.

2. **Natural Site Features:** The majority of the site consists of agricultural land with some timbered area along its perimeter. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. In addition, Staff recommends that a minimum of one street tree shall be provided per lot frontage within the development that complies with the City’s street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
3. **Utilities:** All necessary utilities would be required to be provided throughout any subdivision by the developer at their expense. Water is available within East 46<sup>th</sup> Street right-of-way. Sanitary sewer is available approximately 260 feet to the northeast of the property.
4. **Drainage/Grading:** Any development of the site must 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. A homeowners’ association may have to be established for the purposes of entering into a Stormwater Management and Facility Maintenance Agreement with the City for any necessary stormwater facilities.
5. **Traffic/Street System:** A traffic study was not required in accordance with the City’s traffic study policy. Any street system would be reviewed through the subdivision process.

The submitted development concept shows the site would be served by a cul-de-sac from East 46<sup>th</sup> Street. There is an existing 2.86-acre undeveloped parcel that is located immediately to the south of the subject property. Staff believes that it is necessary to require any development upon the subject property to provide a connection to this undeveloped property to the south so that the property does not become landlocked and to preserve street connectivity between East 44<sup>th</sup> Street and East 46<sup>th</sup> Street in the future.

6. **Urban Design:** Staff recommends the following design standards to ensure a level of quality that will support the long-term stability of the proposed development and is consistent with the minimum placed on similar developments throughout the City.
  - a) No same house plan shall be built on adjacent lots.
  - b) Any house shall have a full basement unless determined infeasible by the City’s Building Official and Planning Administrator.
  - c) Any house shall have a minimum two-car attached garage.
  - d) The front façade of any house shall contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. Stone or brick masonry siding covering at least 1/3 of the facade.



- e) All windows and doors shall have trim that is no less than 4 nominal inches in width.
- f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g) Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- h) Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- i) Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- j) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- k) Any chain link fence shall have black vinyl cladding

## SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendations. He provided information on conditions that Council had approved for recent residential rezoning requests.

Brent Culp of Snyder and Associates, 2727 Snyder Blvd, representing Savannah Homes stated this development is 4.87 acres and they would be requesting it to be rezoned from "A-1" to "R1-60". They held a neighborhood meeting on January 31<sup>st</sup> with 7 people attending. They will be working with the neighbors on sanitary sewer and water connections to cause less intrusion on them and the elementary school.

Ted Grob representing Savannah Homes, stated this plan was first presented with 17, 55 foot lots in a PUD format and showed a stub street to the south, intending to develop the land to the South. Since then their rezoning request too "R1-60" reduced the number of lots to 15, discarded the PUD concept, increased the size of the lots and eliminated the stub street to the South. They are asking the commission to remove 3 recommendations. The Des Moines Water Department stated they would only allow 15 lots to connect to the 12-inch main in East 46<sup>th</sup> Street. The Fire department informed them that extending a street to the South would violate street length code without a connection to East 44<sup>th</sup>. Their 2 story homes range around 1,400 square feet and increasing that to 1,800 would add an additional \$30,000 to each unit. If they are also required to add stone fronts, that additional amount increases to \$33,000 and would eliminate a lot of potential buyers. Mr. Grob presented images of model homes to the commission and stated they have sold 45 homes like the ones shown in Des Moines. They ask for the elimination of the stub street, the stone face requirement and reduce the square footage requirements to match existing Des Moines developments.

Jann Freed wanted to confirm which 3 conditions he didn't agree with on the staff report.

Jason Van Essen clarified the applicant was opposed to staff recommended conditions #3, #7, #10, #11 and #12.

Will Page asked which models would be appropriate for this development.

Ted Grob stated he would like to offer all models shown.

Will Page asked if he owned the 3-acre parcel to the south.

Ted Grob stated he does not. It was his intention at the Pre- Application meeting to purchase that parcel but after receiving the regulations from the Water and Fire Department he found it financially unfeasible to do so.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Linda Smith 4280 E 46<sup>th</sup> Street, stated their main concern is being land locked by this development and she would like to explore options in developing the 3-acre lot since it's been sitting there for many years.

Ted Grob stated there would be two ways to access the 3 acres they own. One being the right of way that goes over to East 44<sup>th</sup> and they own a house that backs up to that 3 acres.

Mike Ludwig stated based on the elevations shown, most of the models have a porch on the front. Staff recommended condition #7 would require a 60-square foot porch or a 1/3 masonry on the front of the house. Asked if the porches shown on the concept elevations could not be 60 square feet in size.

Ted Grob stated not all of the elevations have a porch. It adds a \$3,000 cost to the home. He would like to leave that option up to the buyer but would be ok with a 60 square-foot porch being required.

Mike Ludwig stated the Council has approved variations for the minimum square feet of the dwelling unit, but have not varied from the condition requiring a 60 square feet porch or 1/3 masonry.

Greg Jones asked Mr. Grob to clarify the minimum square feet of a dwelling unit he would like build.

Ted Grob stated he would propose a minimum 1,250 square feet for a 1-story dwelling. If it pleases the commission, he could live with 1,350 square feet for a 1 ½ story and 1,400 square feet for a two-story.

John "Jack" Hilmes asked what price point he projects?

Ted Grob stated approximately \$235,000.

John "Jack" Hilmes asked for the largest square footage of the 45 home Mr. Grob has built in Des Moines.

Ted Grob stated 1,428 square feet.



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Mike Ludwig stated that in order to develop the 3-acre parcel to the south, a separate developer will have to upgrade the cost of the water line coming from E. 44<sup>th</sup> Street and have a 200-foot street with no lots fronting on it because it's just a 60 foot right of way that where adjoining properties are already developed with houses fronting E. 44<sup>th</sup> Street. It would be better to spread total development costs over the 15 lots Mr. Grob currently proposes and future lots on the 3 acres to the south. If the two properties are not planned and developed at the same time, the south 3 acres will likely never be developed.

Ted Grob stated with the codes and requirements in the City of Des Moines, you cannot develop that 3-acre site. He's being asked to put in a stub street that will never be used and the City will want a temporary turn around on it for \$2,000-\$3,000. He wanted to talk with the people about buying the 3 acres but the requirements of two departments won't let him economically do what he had planned.

Rocky Sposato asked if the street and utility extensions will break the deal.

Ted Grob stated yes.

Will Page asked if the P&Z recommends a smaller minimum square feet per dwelling unit, will the developer agree to provide a front porch of at least 60 square feet or 1/3 masonry as stated by proposed condition #7.

Ted Grob confirmed he would agree to condition #7 if the minimum square feet per dwelling unit is reduced.

Mike Ludwig asked if the option of providing fire sprinklers within potential dwelling units on the three acres to the south was discussed at the pre-application meeting as an option to extending street connection from E 44<sup>th</sup> Street.

Ted Grob stated he would not build a home with a sprinkler system.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Greg Jones made a motion for **APPROVAL** of Part A) the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow; and to recommend **APPROVAL** of Part B) rezoning the subject property to R1-60 subject to the following conditions:

1. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Any development upon the property shall include a minimum of one street tree per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
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5. Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
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13. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
14. Any chain link fence shall have black vinyl cladding.

Motion Carried: 9-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh



Item ZON2019-00001

Date 2-3-2019

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Robert Landsberger

Signature [Signature]

Address 4612 E Merced St

FEB 07

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

In favor for Single-Family residential dwellings only

Item ZON2019-00001

Date 2/1/2019

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Kevin Baccam  
Southeast Polk Schools  
Delaware Elementary

Signature [Signature]

Address 4401 East 46th Street

FEB 05

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

Item ZON2019-00001

Date 2-1-2019

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Robert & Julie Liveris

Signature [Signature]

P.O. Box Address 66088985-008-000

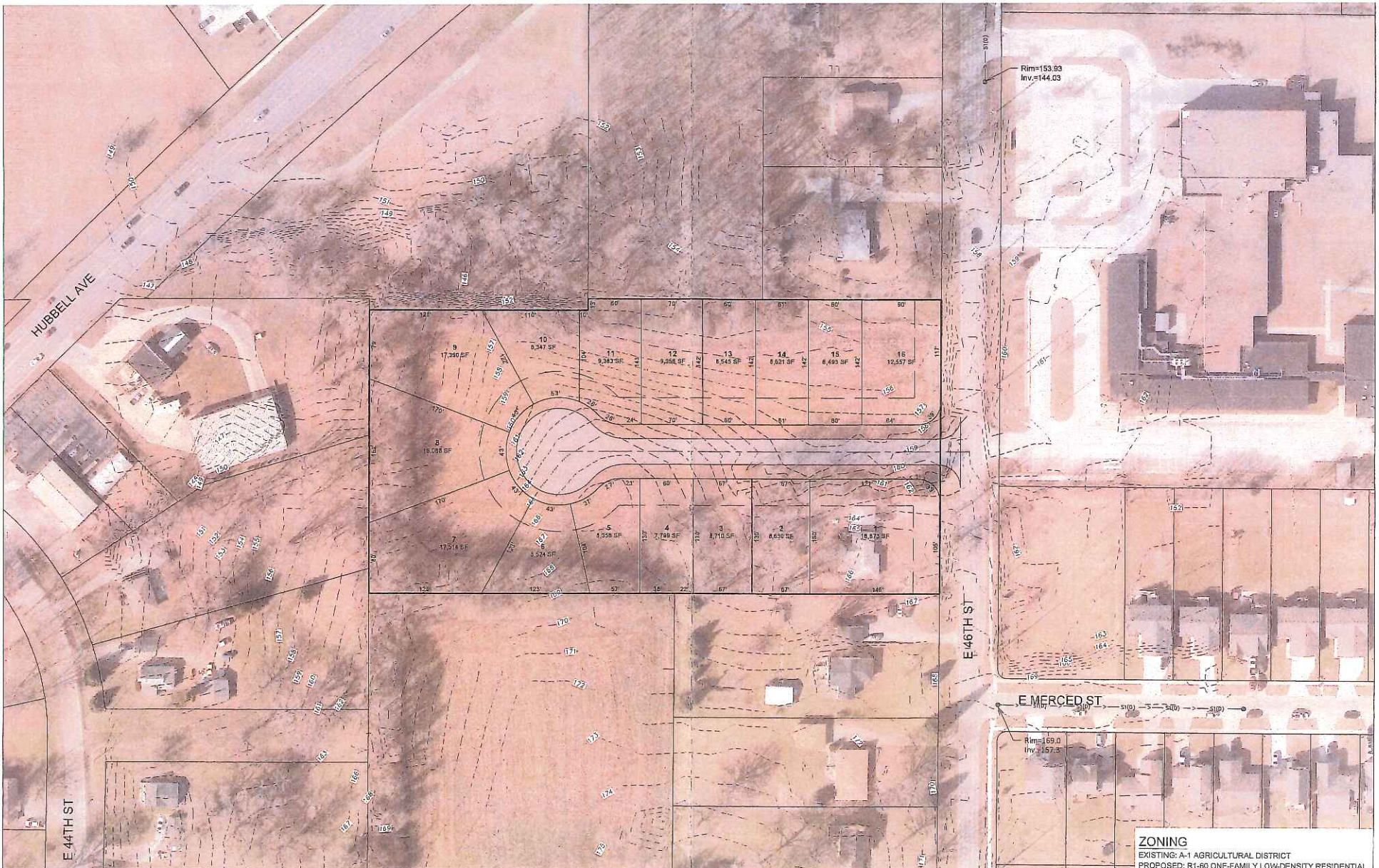
FEB 05

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

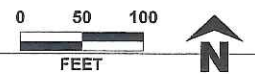
UNLESS - 8' PROPERTY AND SECURITY FENCE IS  
ERECTED AS PART OF DEVELOPMENT - ALONG  
ENTIRE NORTH BOUNDARY LINE. FENCE TO BE  
CHAIN LINK OR OTHER NON-DETERIORATING MATERIAL.

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**S** SNYDER  
& ASSOCIATES



**Dennis & Kenneth Robison Property**

Des Moines, Iowa

**ZONING**  
EXISTING: A-1 AGRICULTURAL DISTRICT  
PROPOSED: R1-60 ONE-FAMILY LOW-DENSITY RESIDENTIAL

**Rezoning Sketch Plan**

118.1198.01

12/24/2018