



Date August 5, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM GRASSO PROPERTIES ONE, LLC TO REZONE PROPERTY LOCATED AT 3908 LOWER BEAVER ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2019, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Grasso Properties One, LLC (owner), represented by Steve Grasso (officer), to rezone property located at 3908 Lower Beaver Road ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District, to allow for demolition of the existing single-family dwelling on the Property and redevelopment with a two-family dwelling, subject to the following conditions:

1. Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.
2. Exterior material for each dwelling unit constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
3. The front façade of each unit 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.
4. All windows and doors on any dwelling shall have trim that is no less than 4 nominal inches in width and shall have pre-hung exterior doors with trim.
5. The roof on each dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
6. A minimum of one street tree per lot frontage that complies with the City's street tree policies shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling.
7. Any mechanical equipment shall be located in the rear or side yard of the building.
8. Any unit in a 1- or 2-household dwelling shall be constructed with a minimum of 1,300 square feet of finished floor area.
9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center; and



Roll Call Number

Agenda Item Number

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Date August 5, 2019

WHEREAS, the Property is legally described as follows:

EXCEPT THE WEST 78 FEET, LOT 66 IN HALLETT ACRES, 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 August 19, 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

(ZON2019-00116)

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

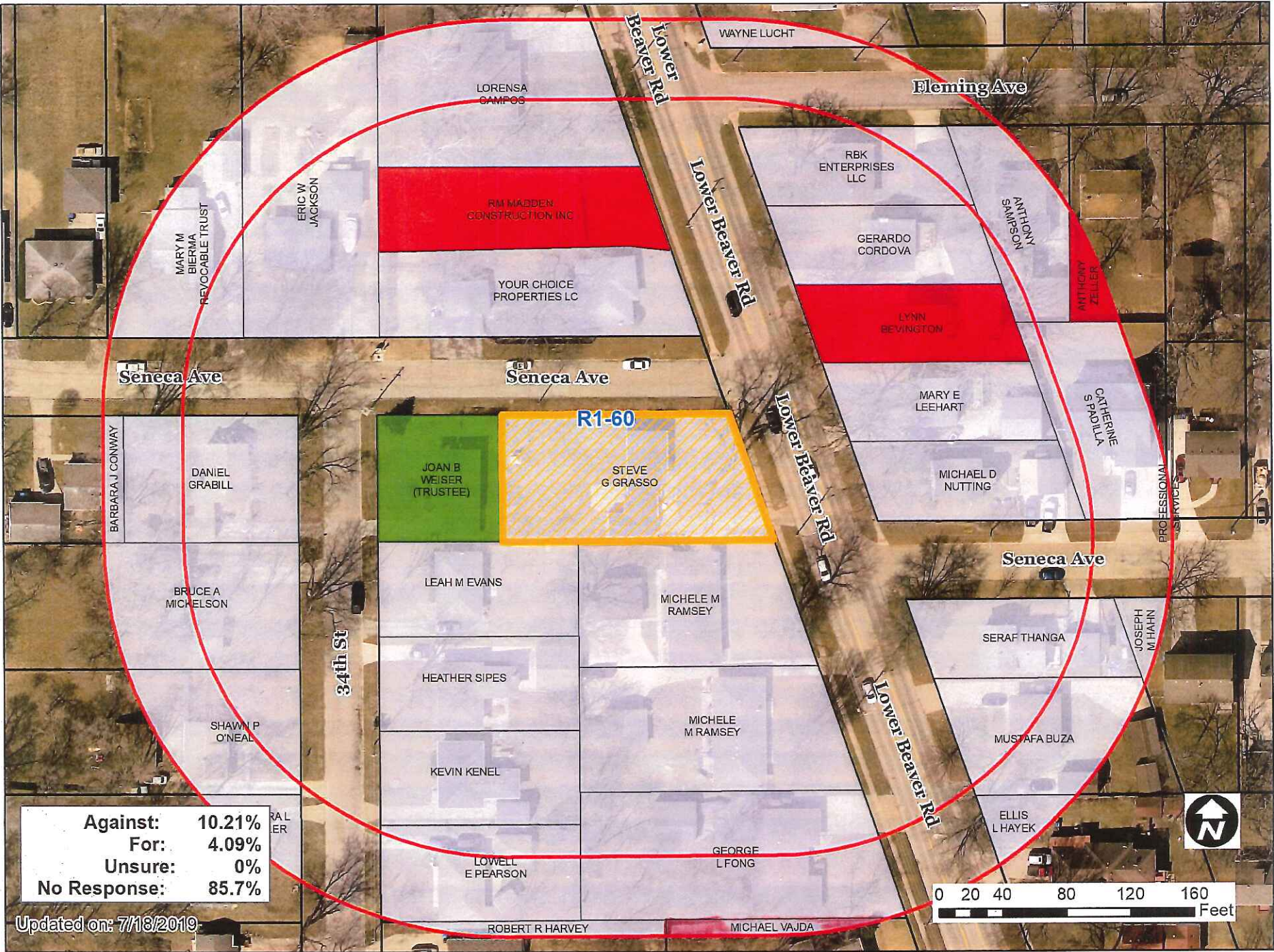
CERTIFICATE

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



29

Date August 5, 2019
Agenda Item 29
Roll Call # _____

July 30, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 18, 2019 meeting, the following action was taken regarding a request from Grasso Properties One, LLC (owner) represented by Steve Grasso to rezone the property located at 3908 Lower Beaver Road from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District to allow for demolition of the existing single-family dwelling and redevelopment with a two-family dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			
Emily Webb	X			

APPROVAL of Part A) 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 Density Residential, 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. Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.
2. Exterior material for each dwelling units constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
3. The front façade of each unit 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.
4. All windows and doors on any dwelling shall have trim that is no less than 4 nominal inches in width and shall have pre-hung exterior doors with trim.
5. The roof on each dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
6. A minimum of one street tree per lot frontage 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.
7. Any mechanical equipment shall be located in the rear or side yard of the building.
8. Any unit in a 1- or 2-household dwelling shall be constructed with a minimum of 1,300 square feet of finished floor area.
9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

(ZON2019-00116)

Written Responses

1 in Favor

4 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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 Density Residential.

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. Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.
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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property contains an existing single-family residence which recently had a tree fall on it. The applicant is proposing to demolish the building and construct a two-family dwelling. The proposed dwelling would provide two private entrances with one each fronting Lower Beaver Road and Seneca Avenue.
2. **Size of Site:** 84.4 feet by 147.8 feet (12,480 square feet or 0.287 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The subject property contains a single-story structure that was built as a single-family dwelling in that has been used as a rental property.
5. **Adjacent Land Use and Zoning:**

North – “R1-60”; Use is a single-family dwelling.

South – “R1-60”; Uses are a single-family dwelling and a two-family dwelling.

East – “R1-60”; Uses are single-family dwellings and Seneca Avenue right-of-way.

West – “R1-60”; Use is a single-family dwelling.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southwest corner of the Lower Beaver Road and Seneca Avenue intersection. The area predominantly consists of one- and two-family dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Lower Beaver Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. A Final Agenda was mailed to the neighborhood associations on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 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 Lower Beaver Neighborhood Association notices were mailed to Jeremy R. Geerdes, 4025 Lower Beaver, Des Moines, IA 50310.

8. **Relevant Zoning History:** None.
9. **PlanDSM Creating Our Tomorrow Future 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 Land Use Plan Designation:** The subject property is designated as Low Density Residential, which is described 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 0.287-acre parcel represents a net density of 6.98 units per acre. Despite a proposed density that is slightly higher than the maximum range for a low density designation, staff believes the relief conforms with PlanDSM as only one additional unit is proposed and the property is located along a transit corridor with a northbound and southbound bus route and a current bus stop directly in front of the property.

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.

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.

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.

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. Site Access and Parking:** The Zoning Ordinance requires one 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. The proposed site sketch indicates that each unit will have a separate attached two-car garage outside the front yard setback with one each fronting Lower Beaver Road and Seneca Avenue.

The proposed site sketch indicates that a new sidewalk would be installed along the Seneca Avenue frontage.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Francis Boggus asked what the point of difference was between staff and the property owner.

Jason Van Essen stated he wasn't aware of any but staff did receive response cards showing opposition. Staff didn't recommend it as a consent item.

Steve Grasso 5637 Rittger's Court, Johnston, stated they are in complete agreement with staff recommendations and they ask for the commission's approval tonight.

CHAIRPERSON OPENED THE PUBLIC HEARING

No member of the audience requested to speak regarding this item.

COMMISSION ACTION:

Greg Jones made a motion for **APPROVAL** of Part A) 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 Density Residential, 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:

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Motion Carried: 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Grasso Properties One, LLC (owner) represented by Steve Grasso for property located at 3908 Lower Beaver Road.				File #	
				ZON2019-00116	
Description of Action		Rezone property from "R1-60" One-Family Low-Density Residential District to "R-2" Two-Family Residential District to allow for demolition of the existing single-family dwelling and redevelopment with a two-family dwelling.			
PlanDSM Future Land Use		Current: Low Density Reisdential. 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
Outside Area (200 feet)		1	4		
Within Subject Property					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	Yes
		Denial			No

Grasso Properties One, LLC, 3908 Lower Beaver Road

ZON2019-00116



Item ZON2019-00116

Date 07/15/19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUL 18 2019

Print Name Anthony Zeller

Signature [Signature]

Address 3224 Fleming Ave

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

I do not want to open this community to
multi-family rental properties.

Item ZON2019-00116

Date 7-11-19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUL 15 2019

Print Name Lynn Berington

Signature 3909 Lower Beaver

Address [Signature]

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

It will drive down property
value. It will add more
driveways/traffic across from
my home.

Item ZON2019-00116

Date 7-15-19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUL 18 2019

Print Name Michael Madden

Signature [Signature]

Address 3916 Lower Beaver

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

We are building a new single family dwelling
and are worried that a duplex built even closer
would hurt the value of the home.

Item ZON2019-00116Date 7/16/19I ☒ (am) ☐ (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUL 18 2019

Print Name JOAN B. WEISERSignature Joan B. WeiserAddress 3907 34th St.

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

The house already there is not in good shape.
There is plenty of room for double garage.
It will be good for the tax base.
We need more housing in D.M.

Item ZON2019-00116Date July 16, 2019I ☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name Mike VADASignature [Signature]Address 3846 Lower Beaver Road

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

too many Rentals & or
Duplexes on This Street.

If ~~that~~ They Lived IN It for 5
years Also, I won't change my
mind.