



Roll Call Number

Agenda Item Number

72A

Date August 5, 2019

**RESOLUTION ON REQUEST FROM HUBBELL AVE LLC TO AMEND THE EXISTING
PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION
(1424, 1428, 1432 AND 1436 EAST 25TH STREET)**

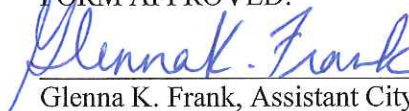
WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, at a public hearing held on June 20, 2019, the City Plan and Zoning Commission voted 10-0 in support of a motion to recommend **APPROVAL** of a request by 2425 Hubbell Ave LLC (owner), represented by Todd Mendenhall (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real properties locally known as 1424, 1428, 1432 and 1436 East 25th Street, from Industrial to Low Density Residential, to allow for rezoning to Limited "R1-60" One-Family Low-Density Residential District to allow said properties to be removed from the existing PUD and developed for single-family residential dwellings.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan, as described above, is hereby **approved / denied**.

MOVED by _____ to adopt and **APPROVE / DENY** the proposed amendment.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(21-2019-4.06)

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

CERTIFICATE

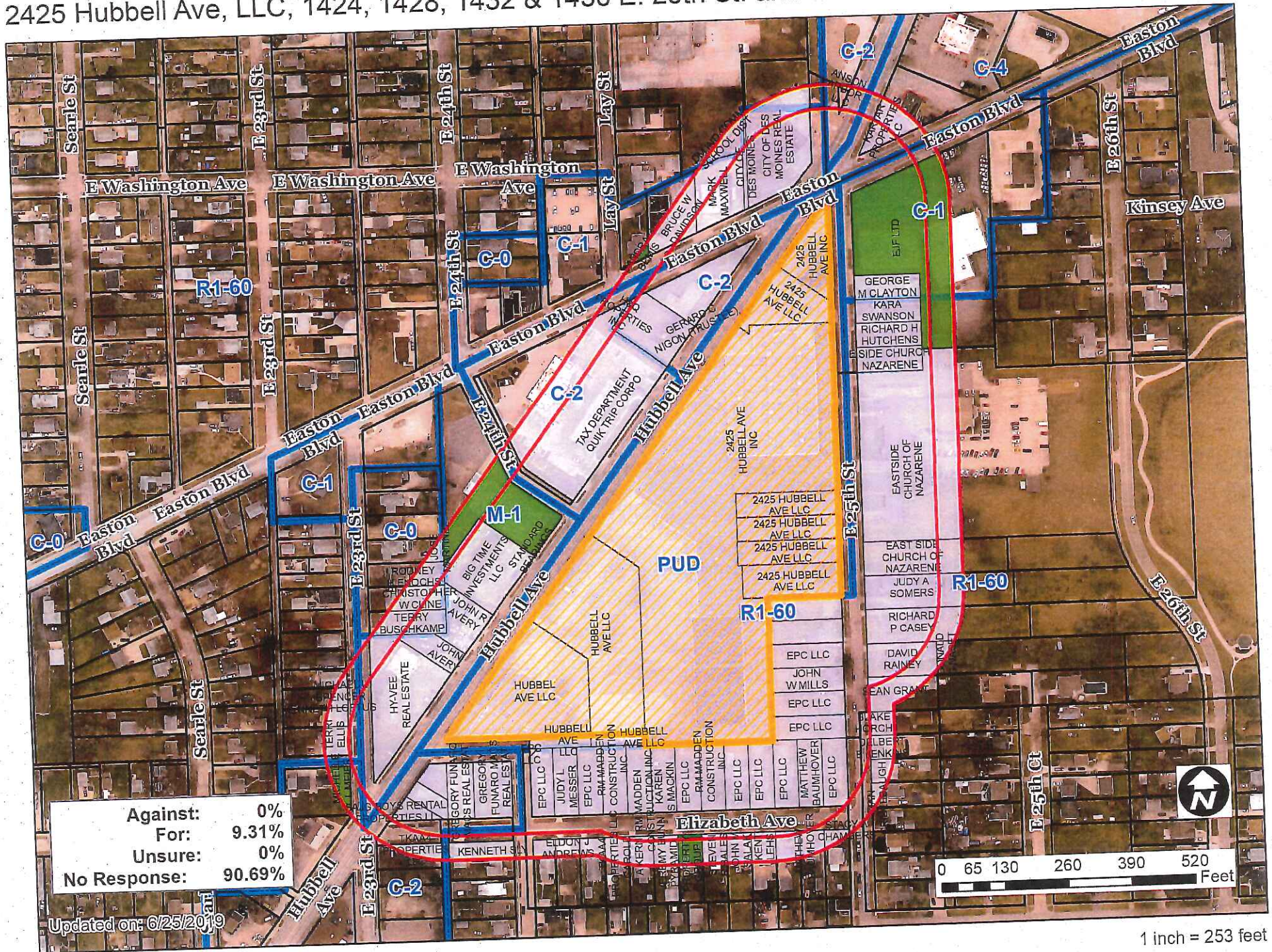
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

2425 Hubbell Ave, LLC, 1424, 1428, 1432 & 1436 E. 25th St. and 2323 & 2425 Hubbell Ave. ZON2019-00091



2425 Hubbell Ave, LLC, 1424, 1428, 1432 & 1436 E. 25th St. and 2323 & 2425 Hubbell Ave. ZON2019-00091



1 inch = 253 feet



July 9, 2019

Date _____
Agenda Item 12
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 June 20, 2019 meeting, the following action was taken regarding a request from 2425 Hubbell Ave, LLC (owner) represented by Todd Mendenhall (officer) to rezone property located at 1424, 1428, 1432 & 1436 East 25th Street and 2323 & 2425 Hubbell Avenue from "PUD" Planned Unit Development to "R1-60" One-Family Low-Density Residential District to allow the property to be developed for single-family residential dwellings.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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 proposed rezoning and "PUD" Conceptual Plan amendment be found in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial, **APPROVAL** of Part B) that for parcels known as 1424, 1428, 1432 & 1436 East 25th Street, the PlanDSM: Creating Our Tomorrow Plan future land use

designation should be amended from Industrial to Low Density Residential and Part C) **APPROVAL** of the request to rezone the parcels known as 1424, 1428, 1432 & 1436 East 25th Street, from "PUD" Planned Unit Development to "R1-60" One-Family Low-Density Residential District, subject to the following conditions:

1. Any modified lot configuration shall be in accordance with a Plat approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with "R1-60" District regulations, shall be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.
2. Any dwelling constructed shall be subject to provision of a detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.
3. Any dwelling constructed shall have exterior materials of 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 City's Planning Administrator.
4. Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.
5. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
6. Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
7. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center.

Part D) **APPROVAL** of the proposed amendment to the Townsend Engineering "PUD" Conceptual Plan.

(21-2019-4.06) & (ZON2019-00091)

Written Responses

6 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning and "PUD" Conceptual Plan amendment be found in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial.

Part B) Staff recommends that for parcels known as 1424, 1428, 1432 & 1436 East 25th Street, the PlanDSM: Creating Our Tomorrow Plan future land use designation should be amended from Industrial to Low Density Residential.

Part C) Staff recommends approval of the request to rezone the parcels known as 1424, 1428, 1432 & 1436 East 25th Street, from "PUD" Planned Unit Development to "R1-60" One-Family Low-Density Residential District, subject to the following conditions:

1. Any modified lot configuration shall be in accordance with a Plat approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with "R1-60" District regulations, shall be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.
2. Any dwelling constructed shall have a full basement.
3. Any dwelling constructed shall be subject to provision of a garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.
4. Any dwelling constructed shall have exterior materials of 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 City's Planning Administrator.
5. Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.
6. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
7. Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
8. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center.

Part D) Staff recommends approval of the proposed amendment to the Townsend Engineering "PUD" Conceptual Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for parcels of land fronting East 25th Street to be rezoned from "PUD" Planned Unit Development District to "R1-60" One-Family Low-Density Residential District. The proposed amendment to the "PUD" Conceptual Plan would remove these parcels from the approved "PUD" Conceptual Plan, which designates this area for a future off-street parking lot and loading area for

loading docks on the rear of the existing building.

2. **Size of Site:** The area proposed for rezoning measures 270 feet by 208 feet (56,160 square feet or 1.29 acres). The remaining "PUD" would measure approximately 8.42 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The area proposed for rezoning includes four (4) 50-foot wide parcels and one (1) 70-foot wide parcel. One (1) of the parcels contains an existing single-family dwelling and the balance of parcels are undeveloped.

The remaining "PUD" contains multiple commercial tenants, including a commercial bakery, a recreational sports facility, office space, warehouse space, and parking lots.

5. Adjacent Land Use and Zoning:

North - "C-1" & "C-2", Uses include a liquor store (Lickety Liquors) and Fire Station #3.
South - "R1-60", Uses include single-family residential.
East - "R1-60", Uses include single-family residential and a church (Eastside Church of the Nazarene).
West - "M-1" & "C-2", Uses include commercial businesses, including Quik Trip and Standard Bearings.

6. **General Neighborhood/Area Land Uses:** The subject property is located to the south of the intersection of the Hubbell Avenue and Easton Boulevard commercial corridors.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the ACCENT Neighborhood and within 250 feet of the Fairmont Park Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on May 31, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 31, 2019 (20 days prior to the hearing) and on June 10, 2019 (10 days prior to the scheduled hearing) to the ACCENT Neighborhood, Fairmont Park Neighborhood, 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 June 14, 2019.

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 on the date of the mailing. The ACCENT Neighborhood Association mailings were sent to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317 and the Fairmont Park Neighborhood Association mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.

The applicant held their neighborhood meeting on June 12, 2019. The applicant will be available to provide a summary of the neighborhood meeting at the hearing.

8. **Relevant Zoning History:** The Townsend Engineering "PUD" Conceptual Plan was originally approved on December 16, 2002. The first amendment to allow the expansion of an existing office building to the south was approved on June 21, 2004.

On November 21, 2016, the "PUD" Conceptual Plan was amended to remove 2400, 2404 -2408, & 2412-2424 Elizabeth Avenue; and 1402, 1404 & 1412 East 25th Street.

9. PlanDSM Land Use Plan Designation: Industrial.

- 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.

The application, accompanying evidence and "PUD" Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended "PUD" Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

III. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow:** PlanDSM Land Use Plan designates the area that would be rezoned to "R1-60" District as "Industrial". Therefore, the designation must be revised to Low Density Residential District in order find the rezoning in conformance with the City's land use plan. Staff believes that the Low Density Residential designation is appropriate for this location, and even preferable, since it is directly across from a church and single-family residential uses.

In order to ensure that any single-family dwelling that would be constructed is compatible with the character of the surrounding neighborhood, Staff has recommended conditions of approval contained in "Section III: Staff Recommendation" of this report.

- 2. "PUD" Conceptual Plan:** The proposed amendment to the "PUD" Conceptual Plan would remove the parcels that would be rezoned to "PUD" District. The approved "PUD" Conceptual Plan designates this area for a future off-street parking lot and loading area for future loading docks on the rear of the existing building.

The proposed amendment does not make any other modification to the approved "PUD" Conceptual Plan. The permitted uses for the remainder of the "PUD" would continue to include those as allowed in the "C-2" General Retail and Highway-Oriented Commercial District and "M-1" Light Industrial District, as well as churches, warehouses, commercial bakeries, and gymnasiums/fitness centers. The prohibited uses include adult entertainment, taverns or nightclubs, liquor stores, off-premises

advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity.

- 3. Permit & Development Center Comments:** Any modified lot configuration must be in accordance with a Plat as approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that would not comply with "R1-60" District regulations, would be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Doug Saltsgaver, 2413 Grand Ave, Representing Engineering Resource group stated the owner has decided the parking and truck court area that was originally shown was likely not to happen. He is now having troubles with people using this area as a dumping zone for personal trash, along with people doing undesirable things. Instead of sitting vacant, they want to convert it back to single family homes.

Mike Simonson asked which conditions does the applicant have concerns about.

Doug Saltsgaver stated Conditions #2 and #3.

Kirk Mikelson, 10640 Justin Dr., representing KRM Development stated they are looking for exceptions of no basement on one of the lots because there will be special needs folks living there. They also requested no garage so the house itself could be a little bigger. For the other lots, they request not to add garages for price point purposes.

Carolyn Jension asked if it would be appropriate for the garages to be detached in this neighborhood?

Mike Simonson stated basements aren't necessary but garages are.

Carolyn Jension stated she just wants to move it from an attached garage to a detached because that is more in character with the neighborhood.

Mike Ludwig stated he thinks it would be safe to say a detached garage would be compatible with the neighborhood.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was nobody present to speak in support or opposition to the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for **APPROVAL** of Part A) the proposed rezoning and "PUD" Conceptual Plan amendment be found in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial, **APPROVAL** of Part

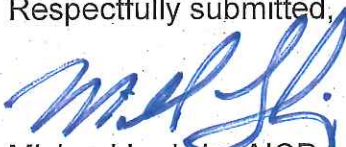
B) that for parcels known as 1424, 1428, 1432 & 1436 East 25th Street, the PlanDSM: Creating Our Tomorrow Plan future land use designation should be amended from Industrial to Low Density Residential and Part C) **APPROVAL** of the request to rezone the parcels known as 1424, 1428, 1432 & 1436 East 25th Street, from "PUD" Planned Unit Development to "R1-60" One-Family Low-Density Residential District, subject to the following conditions:

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7. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center.

Part D) **APPROVAL** of the proposed amendment to the Townsend Engineering "PUD" Conceptual Plan.

Motion Carried: 10-0

Respectfully submitted,

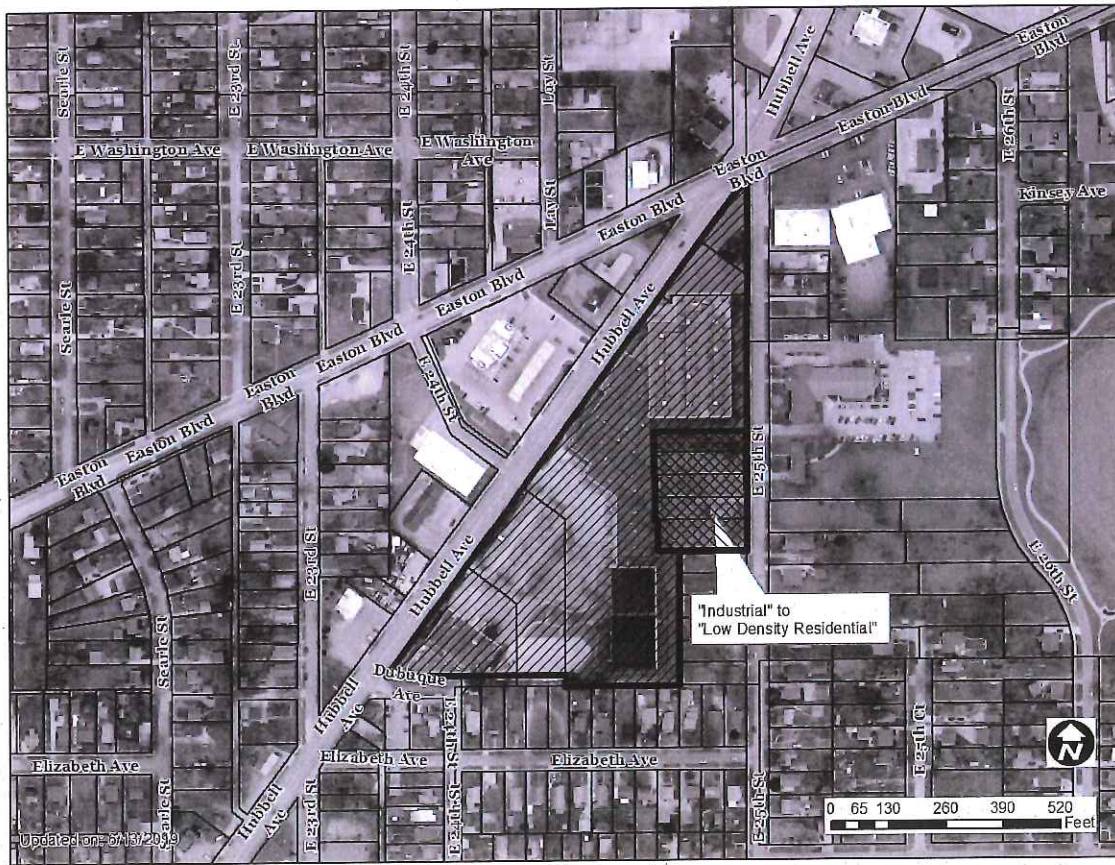


Michael Ludwig, AICP
Planning Administrator

MGL:tjh

2425 Hubbell Ave, LLC (owner) represented by Todd Mendenhall (officer) for property located at 1424, 1428, 1432 & 1436 East 25th Street and 2323 & 2425 Hubbell Avenue. Additional property within the PUD area is owned by 2323 Hubbell Ave, LLC.				File #	
				21-2019-4.06	
Description of Action		Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Industrial to Low Density Residential.			
PlanDSM Future Land Use		Current: Industrial. Proposed: Low Density Residential.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		Townsend Engineering "PUD" Planned Unit Development 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		0	0		
Outside Area (200 feet)					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	
		Denial			
				No	X

2425 Hubbell Ave, LLC, 1424, 1428, 1432 & 1436 E. 25th St. and 2323 & 2425 Hubbell Ave. 21-2019-4.06



Item

Date JUN 14, 2019

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

(Circle One)

Print Name ETF, Ltd. Blake JohnsonSignature [Signature]Address 2501-2525 EastonRECEIVED
COMMUNITY DEVELOPMENT

JUN 20 2019

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

We Approve this Rezoning It will revitalize +
bring more community to that intersection + neighborhood.
Too many people dump trash on our properties and
the city + neighbors don't support commerce + industry there.
Residential homes will bring families and more of a neighborhood.

ZON2019-00091

Item

Date 6-14-19

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

(Circle One)

Print Name Sandra BemisSignature [Signature]Address 2424 EASTON BLVD.RECEIVED
COMMUNITY DEVELOPMENT

JUN 20 2019

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

EAST Side is becoming CESSPOOL OF DSM.
ROADS OUTRAGEDUS! GET RID K-MART BUILDING
AND U-HAUL. BUILD HOUSES THERE TOO.

Item

ZON2019-00091

Date

6-13-19

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

(Circle One)

Print Name

Caleb F. TylerPyramid Properties

Signature

[Signature]

Address

2413 ElizabethRECEIVED
COMMUNITY DEVELOPMENT

JUN 20 2019

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

Item _____

Date 6/16/2019

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 21 2019

Print Name Standard Bearings

Signature Just Lurhod

Address 2350 Hubbell Ave

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

Its good for the community.

Item _____

ZON2019-00091

Date 6-12-19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 17 2019

Address 2109 E 28th St NM 50317

Signature [Signature]

Print Name Kevin Marken for

Accent Neighborhood

Association

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

I went to an information meeting by the over developer and would
agree the named property should be returned to homes
and hope the near by home owners would agree.

-Kevin Marken

Item _____

Date 6-13-19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 17 2019

Print Name MICHELLE MEIER

Signature Michelle Meier

Address 1344 E. 23rd St. DSM. IA.
50017

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

ZON2019-00091

Item

Date

6-17-10

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

NO PREFERENCE INDICATED

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 20 2019

Print Name

Brad Lowe (ERL, LLC)

Signature

[Signature]

Address

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

ZON2019-00091

Item

Date

6/13/2019

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

NO PREFERENCE INDICATED

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 20 2019

Print Name

Gerard Nigou

Signature

[Signature]

Address

2447 Hubbard Ave

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