



Date September 23, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM  
RALLY CAP PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT  
601 24<sup>TH</sup> STREET AND 602 23<sup>RD</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2019, its members voted 8-3 in support of a motion to recommend **APPROVAL** of a request from Rally Cap Properties, LLC (purchaser), represented by Ryan Francois (officer), to rezone property located at 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for development of the Property with up to seven 3-story rowhouse dwelling units, subject to the following conditions:

1. Any use of the Property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
2. Any residential development upon the Property other than single-family detached residential structure(s) shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
3. Each dwelling unit constructed shall have a minimum of one onsite parking space per unit, maximum of one curb cut on the north side of High Street, and on-street parking on the north side of High Street be maintained.
4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.



Roll Call Number

Agenda Item Number

21-I

Date September 23, 2019

- f. 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

**WHEREAS**, the Property is legally described as follows:

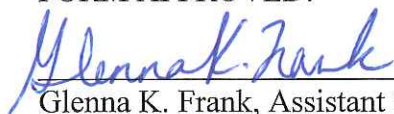
THE SOUTH 10 FEET OF LOT 4, THE NORTH 40 FEET OF LOT 5, THE NORTH 40 FEET OF LOT 16 AND ALL OF LOT 17 OF BLOCK C IN WOODLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

**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 October 14, 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

(ZON2019-00114)

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

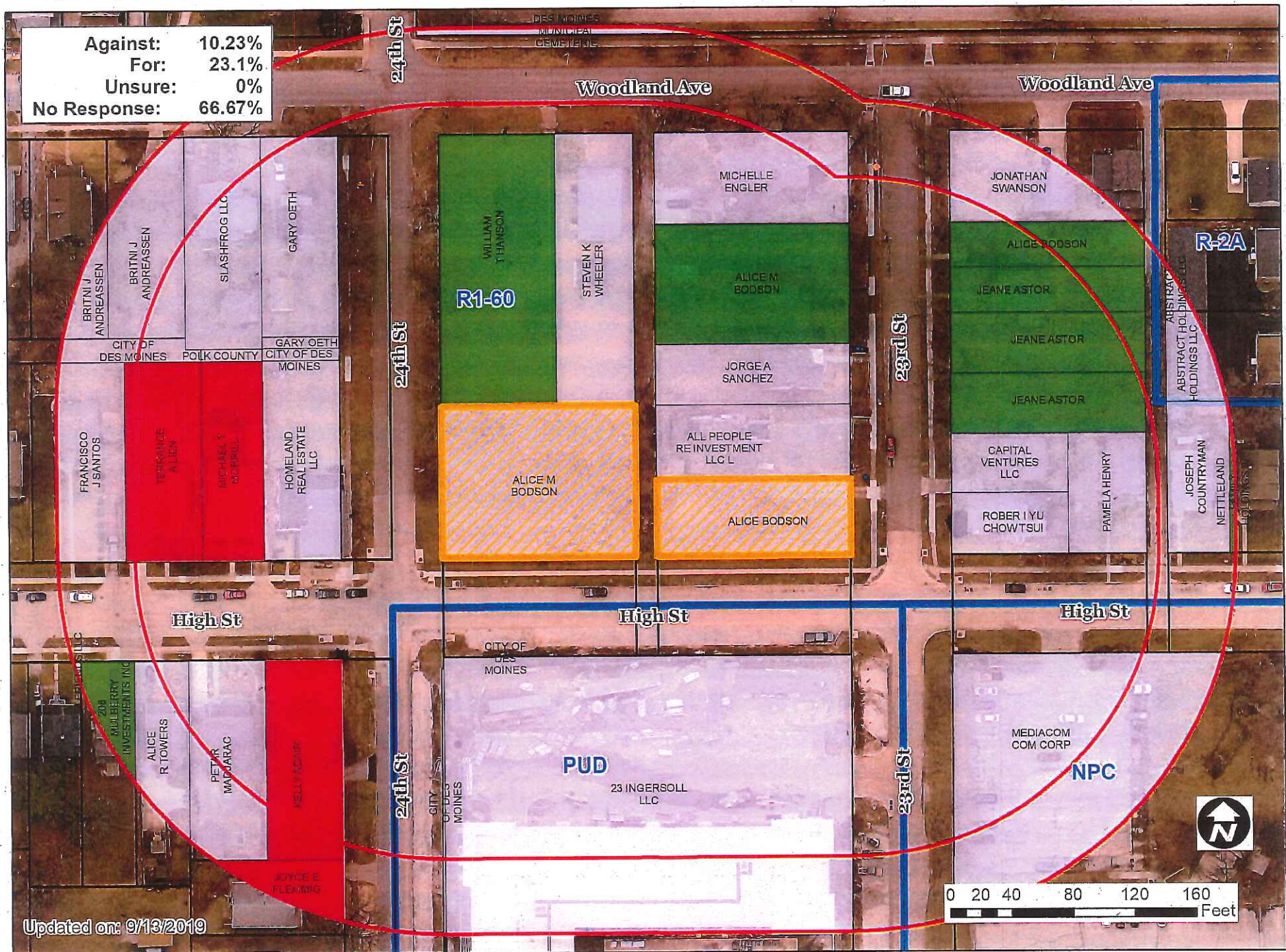
#### CERTIFICATE

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





21-12



September 17, 2019

Date \_\_\_\_\_

Agenda Item 21-E

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 September 5, 2019 meeting, the following action was taken regarding a request from Rally Cap Properties, LLC (contract buyer) represented by Ryan Francois (officer) to rezone property located at 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow for development of up to 7 units of 3-story rowhouse dwellings. This is a revised application from the previous hearings. The subject property titleholder is Alice Bodson.

### COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-3-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
Abby Chungath		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		
Rocky Sposato	X			
Steve Wallace		X		
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of Part A) the Commission find the requested rezoning to "R-3" District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan., **APPROVAL** of Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised







from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node and Part C) **APPROVAL** of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
3. Each dwelling unit constructed shall have a minimum of 1 onsite parking space per unit, maximum of 1 curb cut on the North side of High Street and on street parking on the North side of High Street be maintained.
4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor-area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. 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. (ZON2019-00114)

#### Written Responses

8 in Favor

7 in Opposition

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

Part A) Staff recommends that the Commission find the requested rezoning to "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.



Part B) Staff recommends that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
2. Any non single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
3. Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23<sup>rd</sup> or 24<sup>th</sup> Street. No drive approach from High Street shall be permitted.
4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
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  - f. 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.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant has submitted a sketch with the rezoning application that demonstrates a desire to redevelop the site within seven (7) dwelling units. This includes a structure within five (5) units to the west of the alley and a



structure within two (2) units to the east of the alley. Driveway access is proposed for each individual unit from Hight Street. The site is divided into east and west section by an existing north/south alley right-of-way. Staff notes that future construction of the structures may be subject to appeals of the current zoning regulations, such as, but not limited to, setback requirements.

2. **Size of Site:** 18,692 square feet or 0.429-acre.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The property does not contain any structures and is currently used for garden space.
5. **Adjacent Land Use and Zoning:**

**North** – "R1-60", Uses are single-family residential.

**South** - "PUD", Use is the 2301 Ingersoll PUD mixed-use development.

**East** – "R1-60", Uses are single-family residential.

**West** – "R1-60", Uses are multiple-family and single-family residential.

6. **General Neighborhood/Area Land Uses:** The subject property is bound by 23<sup>rd</sup> Street to the east, High Street to the south and 24<sup>th</sup> Street to the west. The immediate area contains a mix of single-family and multiple-family residential uses. The site is located a block north of Ingersoll Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Woodland Heights Neighborhood. The neighborhood association was notified of the July 18, 2019 public hearing by mailing of the Preliminary Agendas on June 28, 2019, July 28, 2019, and August 16, 2019, and the Final Agendas on July 12, 2019, August 9, 2019, and August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 days prior to the July 18, 2019 public hearing) and July 8, 2019 (10 days prior to the July 18, 2019 public hearing), and on August 26, 2019 (10 days prior to the September 5, 2019 public hearing) to the Woodland Heights 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 Woodland Heights Neighborhood Association notices were mailed to Phil Kreznor, 808 25<sup>th</sup> Street, Des Moines, IA 50312.

The applicant was required to hold a neighborhood meeting and will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** None.



9. **PlanDSM Future Land Use Plan Designation:** Low Density Residential within a Neighborhood Node.

10. **Applicable Regulations:** Taking into the consideration of 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:** The applicant is requesting that the future land use designation for the subject property be amended from "Low Density Residential" in a "Neighborhood Node" to "Medium Density Residential" in a "Neighborhood Node." Plan DSM describes these designations as follows:

Low Density Residential: Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.

Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The "Medium Density Residential" designation is appropriate in this case, as the site would provide a transition from the heavier intensity uses along Ingersoll Avenue to the single-family residential uses north of High Street.

2. **Site Plan and Drainage/Grading Requirements:** Any commercial or multiple-family development would require compliance with all applicable site plan requirements, such as stormwater management, landscaping, and screening of adjoining residential properties. Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

3. **Traffic and Street Access:** The proposed rowhomes would have individual driveways accessed from High Street. The City's Traffic and Transportation Department has conveyed concerns relating to the proposed design. Traffic and Transportation staff believes that the introduction of multiple driveways would further restrict on-street parking on a street that has known parking constraints and that any proposed vehicular access should be achieved via the northern portion of the property. Traffic and Transportation recommends that if driveways are allowed and on-street parking is removed, a new design including traffic calming elements and relocation of storm



sewer intakes would be required.

Staff notes that terrain on the site slopes upward toward the northern portion of the property.

4. **Utilities:** Existing storm sewer, sanitary sewer, and water utilities are located within the High Street, 23<sup>rd</sup> Street, and 24<sup>th</sup> Street rights-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
5. **Urban Design:** The conceptual drawings included with the application demonstrates that the rowhomes would be 3-stories tall and consist of 5 units on the western portion of the property and 2 units on the eastern portion of the property. The ground floor of the units on the west portion of the property would be partially below grade, giving the units a 2-story appearance from the north. The ground level of each unit would contain garage space with individual driveways accessed from High Street. Proposed materials and elevations were not submitted with the revised site sketch.

Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining developments:

- a. Any dwelling constructed shall have a front door or an entry presence facing High Street to the satisfaction of the Planning Administrator.
- b. Any dwelling fronting 23<sup>rd</sup> Street or 24<sup>th</sup> Street shall have a front door or an entry presence facing both High Street and the associated side street.
- c. Any dwelling constructed shall have minimum 2-car attached garage.
- d. The front façade of any house constructed must contain one of the following:
  1. A front porch of not less than 60 square feet; or
  2. At least 1/3 of the façade shall be clad with stone or brick masonry.
- e. Windows on any façade facing a public street shall have either of the following:
  1. Trim border not less than 4 inches in width; or
  2. Shutters on each side.
- f. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

## SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Greg Wattier asked what the PUD across the street has planned.

Erik Lundy stated the PUD Conceptual Plan calls for second multi-family building.



Mike Ludwig clarified it is a proposed 3-story multi-family building with a maximum of 27 units with a rowhouse appearance from High Street.

Greg Wattier asked if they had access off High Street.

Erik Lundy stated that surface parking is proposed on the south side of the building. Spaces will be accessed via the private drive between the two buildings.

Ryan Francois 2723 High Street, owner of Rally Cap Properties stated after closing on the lot this will be there first ground up project. Their goal with this project is to offer missing middle housing that would help transition the high density from the Roers' site, to detached single-family residential structures in Woodland Heights. This site rises 20 feet in elevation going from High Street to the north, with a heavy wooded area on the northwest portion of this site which they would like to maintain as a backyard space for these units. They don't believe it's possible to allow parking from the alley with the topography and wooded area. They are proposing that the 5 units on the western portion of the site have two-car garages and the eastern portion would be tandem with a single car door to meet parking requirements on site.

Will Page stated it appears that the units will each have a driveway access from High Street.

Ryan Francois stated that is correct.

Will Page asked how he would respond to the staff report stating no access from High Street should be permitted.

Ryan Francois stated with the topography of the site, he doesn't believe it's feasible to have access from the north. Parking has become an issue after the Roers' development was added and a lot of people speed up and down this part of High Street. He believes having driveway accesses off High Street will calm the traffic down as it will give it more of a neighborhood feel.

David Courard-Hauri stated he is nervous about overruling the traffic division comments in the staff report. He asked if it is impossible for the applicant to comply with condition 3 or would it just be more difficult and costly.

Ryan Francois stated with 2 cars per unit, it wouldn't be possible to have all access from the alley.

Mike Ludwig wanted to clarify this was an enhanced condition. Based on the parking standards, they are required to have a minimum of 1 off street parking space per dwelling unit.

Erik Lundy stated this was enhanced because of the current parking issue along High Street.

Mike Ludwig stated if they can't comply with the comments made from Traffic and Transportation, they could develop detached single-family dwellings facing the side streets as the lot orientation is set up for.



Greg Wattier stated he would rather find a way to have more people along the street and less curb cuts. He believes this product type works good for this area but the applicant needs to find a way to get the cars in the back of the dwellings.

Ryan Francois stated it wasn't their goal to have garages along High Street. The solution to meet onsite requirement was to use the eastern portion as on-grade parking, which wasn't a preference for him. After the last meeting with the neighbors, the tandem garage was a compromise to allow for pedestrian and vehicular access from High Street.

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

Kim Callahan 2701 High Street, stated her concerns are with traffic and parking. During the winter they had a lot of problems with snow being cleared because cars weren't being moved. She asks for the commission to listen to the recommendations from Traffic and Transportation.

Lyla Dozier 741 27<sup>th</sup> Street stated this project doesn't comply with the 2020 Community Character Plan or the PlanDSM Comprehensive Plan. The goal for this area has always been to infill with detached single-family homes. When the neighborhood met with CZB, they received an amazing report and how that was accomplished was single family homes on infill lots. People are starting to tell her they need to move because of how scary traffic has got on High Street. Every night there are 60 cars parked from 22<sup>nd</sup> to 25<sup>th</sup> Street. We cannot have this density in the neighborhood. Pleaded for the City to comply with the existing comprehensive plan.

Kelly Adair 2402 High Street stated we have parking issues and density that is too high. This plan doesn't go with our neighborhood character. She would rather see 3 single family homes on this site. She's asks for the commission to deny the zoning request and keep it as is.

Leann Stubb 2611 High Street stated she is invested in the neighborhood because it is an amazing place to live. The character of the neighborhood has changed after the Roers' PUD was developed, and parking and traffic is out of control. She asked the commission not to revise the single-family designation.

John "Jack" Hilmes asked if the street was widened during the sewer project?

Leann Stubb stated a little bit but now it's just a beautiful speedway.

Gwen Kee 715 28<sup>th</sup> Street stated the pictures shown must be distorted. She asked the commission to come drive through the neighborhood and see how many cars are parked on their street from the residents who live in the Roers' PUD. She would like this request to be rejected and continue with single-family dwellings.

Ryan Francois stated one of the things he has learned through the industry he works in is the huge demand for people that would like to live here but don't have the skill set nor the money to invest in an older home and bring it up to modern code and livability. This is a marketable option and not far out of line with what is currently in the neighborhood. He understands the parking and traffic issues caused by the Roers' development but he can't



control that through his development other than meeting the onsite parking requirements. He believes he can build new duplexes on the site under current zoning.

Mike Ludwig clarified that "R1-60" does not allow new duplexes to be built.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

John "Jack" Hilmes asked how many driveways would be acceptable.

Mike Ludwig stated he wouldn't have that number. The Traffic and Transportation Division's preference was that all access come from the north based upon concerns about parking and traffic in the area.

John "Jack" Hilmes stated if you look to the west, there are a lot of driveways going into single family homes and he wondered why this should be an exception in that circumstance. If you were to build single family homes, how many could you build and which of those would be allowed to have a drive off High Street.

Mike Ludwig stated the difference to the west is that they have single car wide driveways leading to detached garages in the rear yards because the lots are deeper.

Erik Lundy read the formal comments from the Traffic and Transportation Division.

John "Jack" Hilmes stated that communication doesn't state you cannot have a driveway on High Street.

Erik Lundy stated they are asking to make every effort to not have driveways off High Street.

Will Page stated the comments made around sticking with our comprehensive plan ring true to him and the investments people have made in this area. He believes this plan has many faults and the commission would be remiss if they were to approve this. Therefore, he would move to approve part A, that the request is not consistent with the PlanDSM comprehensive plan. If his motion for Part A is approved, he did not believe that any motions were necessary for Parts B and C.

Glenna Frank stated there is due process owed to the applicant so a motion would also need to be made on part B and C and recommendations need to be sent to City Council.

Will Page clarified that his motion would be to approve part A and deny parts B and C.

Greg Wattier asked for the max number of units allowed under the proposed R-3 zoning.

Erik Lundy stated they would require a lot area minimum of 2,500 square feet. He's maxing out the number of units based on that requirement.

Mike Ludwig stated with the site being 18,692 square feet, you divide that by 2,500 and get 7.4 units. Staff wouldn't round up so the max would be 7 units.

Jacqueline Easley asked if the comments Greg has made tonight would be considered at the City Council hearing.

Mike Ludwig stated that comments made tonight would be summarized in the letter that goes to City Council.

Greg Jones asked if they could vote on each part separately.

Will Page stated he would like to keep the motion the way he made it.

Glenna Frank stated she believes it is up to the chair to decide whether the parts are voted on separately.

Mike Ludwig suggested it would be complicating the situation by not voting on them separately. He urged the Chair to require separate votes for each part of this item. It would make it easier to report to City Council.

Will Page made a motion for approve Part A) the Commission find the requested rezoning to "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

#### **Motion Carried 11-0**

Will Page made a motion to **deny** Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

**Motion Failed 4-7-0.** Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

Will Page made a motion to **deny** Part C) approval of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
3. Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23<sup>rd</sup> or 24<sup>th</sup> Street. No drive approach from High Street shall be permitted.
4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.



- b. Windows on any façade facing a public street shall have either of the following:
  - i. Trim border not less than 4 inches in width; or
  - ii. Shutters on each side.
- c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
- e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- f. 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.

**Motion Failed 4-7-0.** Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

David Courard-Hauri stated he will moved approval of Parts B and C per the staff recommendation.

Greg Wattier requested a friendly amendment to condition #3 under part C of the staff recommendation to require a minimum 1 onsite parking space per unit, to allow a maximum of 1 curb cut on High Street and to maintain on street parking on the North side of High Street.

David Courard-Hauri stated he would accept the friendly amendment.

**Motion Carried 8-3-0.** Easley, Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in favor. Chungath, Page, and Wallace voted in opposition.

John "Jack" Hilmes asked if there was vacant space behind the existing Roers' mixed use building and High Street

Mike Ludwig stated a parking lot and driveway exists on a portion of the area between the mixed-use building and High Street. It's head in parking, the site has bollards parkin blocks that prevent parking on the grass area where the second building will be constructed in the future.

### **COMMISSION ACTION:**

Will Page made a motion for approve Part A) the Commission find the requested rezoning to "R-3" District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

**Motion Carried 11-0**

David Courard-Hauri made a motion to **APPROVE** Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a

Neighborhood Node to Medium Density Residential within a Neighborhood Node and Part C) **APPROVAL** of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

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  - a. The front façade of any dwelling unit constructed must contain one of the following:
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  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. 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.

Motion Carried: 8-3-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh



Rally Cap Properties, LLC (purchaser) represented by Ryan Francois (officer) for property located at 601 24th Street and 602 23rd Street. The subject property is owned by Alice Bodson.				File #	
				21-2019-4.12	
Description of Action	Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.				
PlanDSM Future Land Use	Current: Low Density Residential within a Neighborhood Node. Proposed: Medium Density Residential within a Neighborhood Node.				
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-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Rally Cap Properties, LLC, 601 24th Street and 602 23rd Street

21-2019-4.12

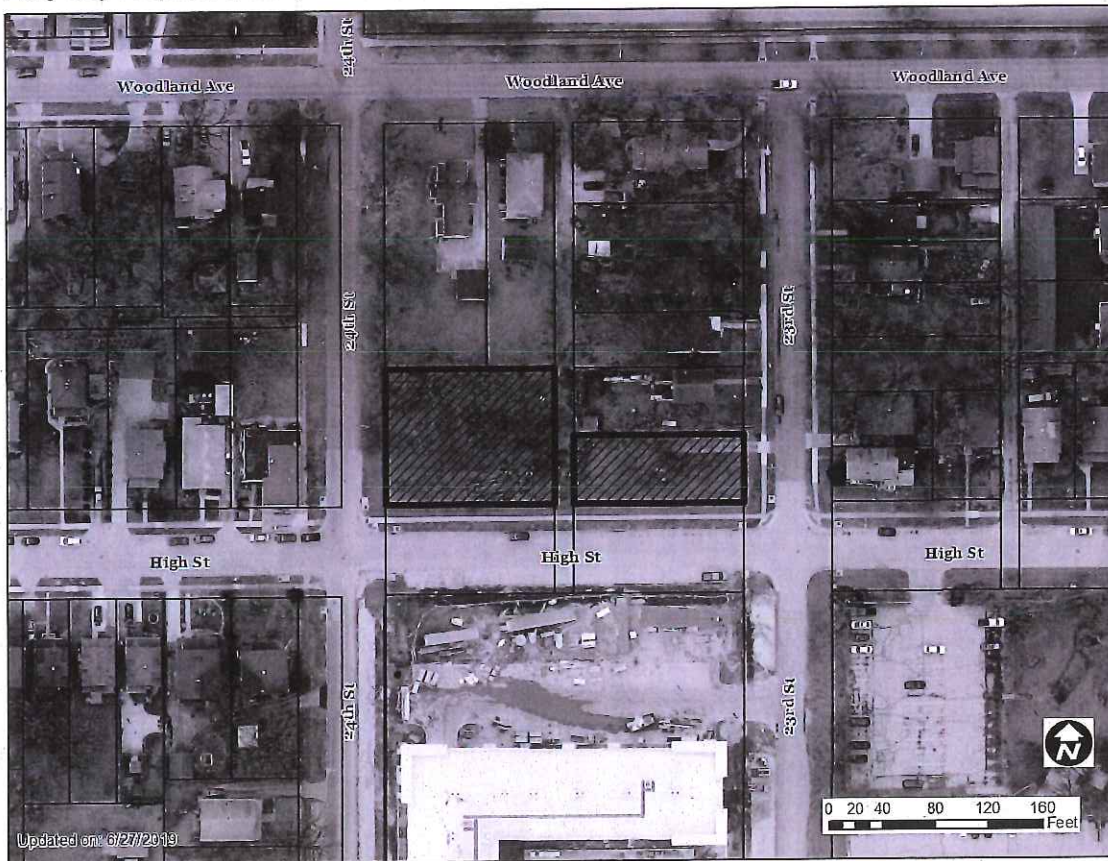




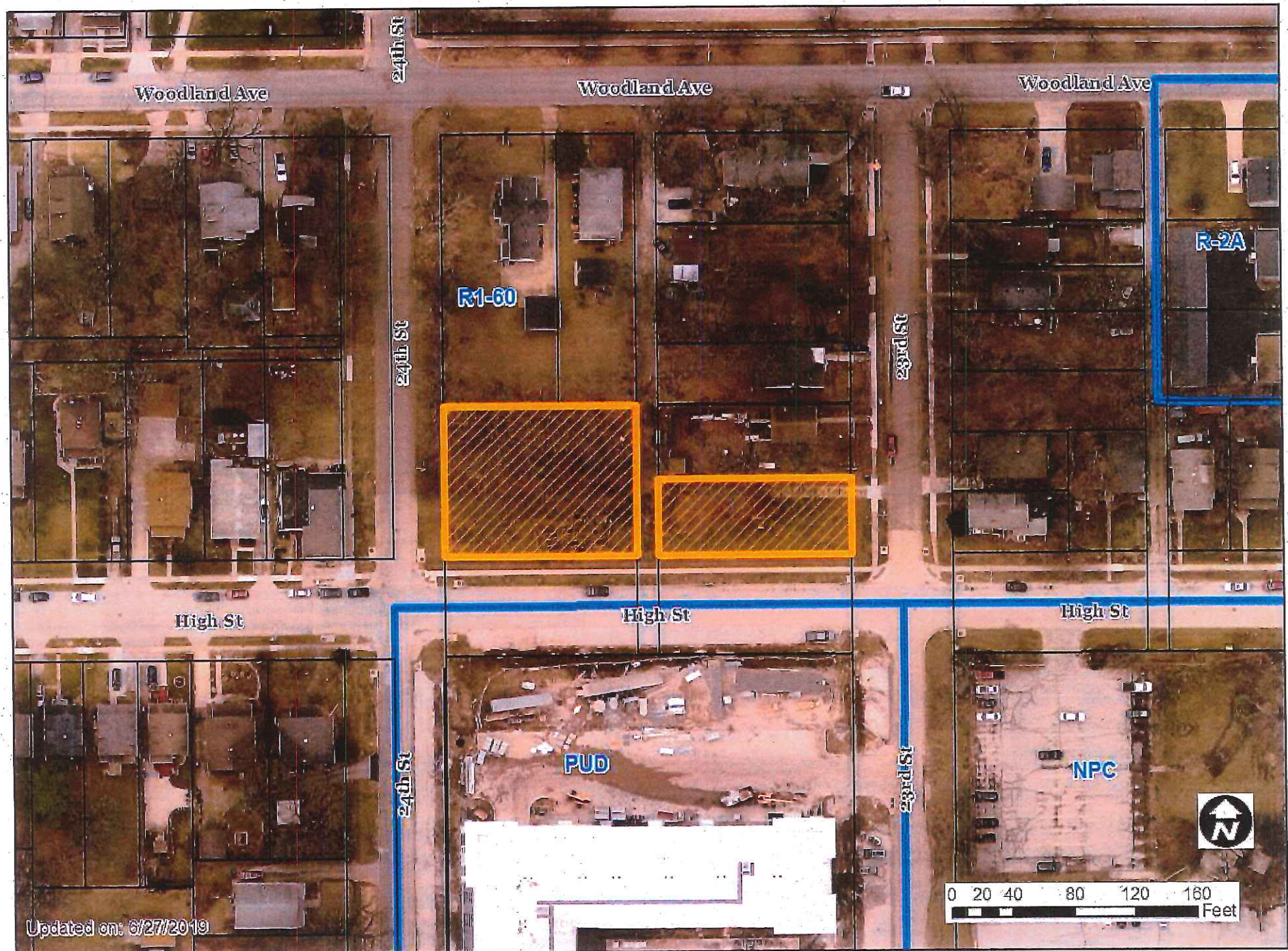
Rally Cap Properties, LLC (purchaser) represented by Ryan Francois (officer) for property located at 601 24th Street and 602 23rd Street. The subject property is owned by Alice Bodson.				File #			
				ZON2019-00114			
Description of Action		Rezone property from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow for development of up to 7 units of 3-story rowhouse dwellings. This is a revised application from the previous hearings.					
PlanDSM Future Land Use		Current: Low Density Residential within a Neighborhood Node. Proposed: Medium Density Residential within a Neighborhood Node.					
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-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.					
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition		
Outside Area (200 feet)		8	7				
Within Subject Property							
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council		Yes	
		Denial				No	X

Rally Cap Properties, LLC, 601 24th Street and 602 23rd Street

ZON2019-00114









Item ZON2019-00114

Date 7/12/19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 15 2019

Print Name Jeane Astor

Signature Jeane Astor

Address 1617 23<sup>rd</sup> St, DM 50312

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

The planned 5-unit live-work apart-  
ments would be a fine addition  
to the Woodland Heights neighborhood.

Item ZON2019-00114

Date 29 AUG 2019

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 05 2019

Print Name WILLIAM T. HANSON

Signature William T. Hanson

Address 2316 WOODLAND AVE.

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

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

Item ZON2019-00114

Date 8/29/19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 05 2019

Print Name Jeane Astor

Signature Jeane Astor

Address 1617 23<sup>rd</sup> St 50312

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

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



Item ZON2019-00114

Date 7/10/19

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

(Circle One)

Print Name

Signature

Address

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 15 2019

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

Good for tax base

Item ZON2019-00114

Date 7/17/2019

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

(Circle One)

Print Name

Signature

Address

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 29 2019

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

This is a project that would bring  
community together at  
a retail hub, corner market, ice  
cream store, etc. Would be good  
use of the land - bring walking nbrs.  
to other.

Item ZON2019-00114

Date 7/10/19

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

(Circle One)

Print Name

Signature

Address

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 18 2019

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

good upgrade



Item ZON2019-00114Date 7-21-19I (am) (am not) in favor of the request.

(Circle One)

Print Name TERRY A LIENSignature [Signature]Address 2411 HIGH STRECEIVED  
COMMUNITY DEVELOPMENT

JUL 25 2019

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

NO! TO A PROPOSED COMMERCIAL/RESIDENTIAL PROJECT.  
YOU HAVE ALREADY DROPPED AN UGLY ANTIHILL ON THIS  
AREA, PLEASE, NO MORE!

Item ZON2019-00114Date 7-11-19I (am) (am not) in favor of the request.

(Circle One)

Print Name Joyce E. FlemmingSignature [Signature]Address 570 24th StRECEIVED  
COMMUNITY DEVELOPMENT

JUL 18 2019

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

Opposing - Encroachment  
Stop your supposed  
reasoning for betterment where  
is parking? Oh in the  
trees lol!

Item ZON2019-00114Date JULY 10, 2019I (am) (am not) in favor of the request.

(Circle One)

Print Name KELLY D. ADAIRSignature [Signature]Address 2402 HIGH ST.RECEIVED  
COMMUNITY DEVELOPMENT

JUL 15 2019

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

1. COMMERCIAL ENCROACHMENT INTO RESIDENTIAL  
NEIGHBORHOOD. 2. CONTRIBUTION TO TRAFFIC CONGESTION  
IN RESIDENTIAL STREETS. 3. LACK OF ADEQUATE  
STREET PARKING. 4. UNDESIRABLE ARCHITECTURE  
IN HISTORIC NEIGHBORHOOD



Item \_\_\_\_\_ Date 0-28-17

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
AUG 30 2019

Print Name Mike Morn. II  
Signature Mike Morn. II  
Address 2016 High St

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

re-zoning will create too much uncertainty  
regarding traffic and parking issues  
in the area. To much density for  
an area already in distress!

Item ZON2019-00114 Date 8-29-19

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
SEP 05 2019

Print Name TERRY A LIEN  
Signature Terry A Lien  
Address 2411 High St DM 50312

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

OVER CROWDING / PARKING TRAFFIC

Item ZON2019-00114

Date Aug 28, 2019

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

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
AUG 30 2019

Print Name Kelly ADAMS  
Signature Kelly Adams  
Address 2702 High Street

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

1. ZONING SHOULD REMAIN R-1-60 TO STAY IN KEEPING W/ THE  
WOODLAND HEIGHTS NEIGHBORHOOD CHARACTER PLAN.
2. A ZONING CHANGE WOULD BRING IN DEVELOPMENT (OF RAILROADS)  
NOT SUITED TO THE HOUSING STYLE OF OUR NEIGHBORHOOD.
3. A ZONING CHANGE WOULD NEGATIVELY IMPACT TRAFFIC,  
SAFETY AND PARKING. CONTRIBUTING TO CONGESTION AND  
4464 ST & NEARBY RESIDENTIAL STREETS.
4. THIS ZONING CHANGE IS BEING REQUESTED W/ VAGUE &  
IN COMPLETE PLANS. WE DO NOT KNOW WHAT IT WILL ACTUALLY BE.

Item

Date 7-12-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 12 2019

Print Name

Ling Wong

Signature

2 wf

Address

2414 HIGH ST. 50312

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

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

ZON2019-00114

Item

Date 8/28/19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 11 2019

Print Name

BRADY CAMERON

Signature

Brady

Address

2401 HIGH ST, DES MOINES IA

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

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

Item ZON2019-00114

Date 7-12-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 18 2019

Print Name

MIKE MORRIS

Signature

Mike Morris

Address

2405 High St

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

Allowing Commercial rezoning in the middle of a neighborhood signals poor values of the community and creates a negative impact on the area. I am not in favor of this request. Please vote NO!!



24

I, the below signed individual, do NOT condone a zoning change to 601 24th Street & 602 23rd Street (northside of the 2300 block of High Street) to include Commercial Development.

Date	Time	Signature	Name	Address	Phone
6/30	11/21	Lori Long	Lori Long	2628 High St	515-979-9937
6/30	11/22	Mark Long	Mark Long	2628 High St	515-381-8715
6/30	11:30	Amy Licht	Amy Licht	2714 High St	347-563-7840
6/30	11:35	[Signature]	SS Butts	2714 High St	347-563-7855
6/30	11:37	Kathryn Lown	Kathryn Lown	2712 High St	515-710-8071
6/30	11:40	Ron Roth	Ron Roth	2710 " "	515-243-6035
6/30	11:48	Della Guzman	Della Guzman	2706 High St.	515-419-2274
6/30	12:48	Morgan Dredge	Morgan Dredge	2721 High St	312 8987161
6/30	1:20	Jenipher Sutherland	Jenipher Sutherland	2720 High St.	515-778-0961
6/30	1:20	Esher Sutherland	Esher Sutherland	2700 High St.	515-782-9067
6/30	" "	Scot Sutherland	Scot Sutherland	" "	515-778-5543
6/30	" "	Ethan Sutherland	Ethan Sutherland	" "	515-782-3174
6/30	" "	Elijah Sutherland	Elijah Sutherland	" "	515-822-2453
6/30	2:21	Larry P. Sharp	Larry P. Sharp	563 28th DMIA 50312	515-243-9269
6/30	2:25	Randy Guzman	Randy Guzman	2706 High Street 50312	515-783-2881
6/30	4:17	Kim Callahan	Kim Callahan	2701 High St 50312	515 528 4925
6/30	4:20	WC CALLAHAN	WC CALLAHAN	" "	515 710 1524
7/1	7:30	DAWN KOTCH	DAWN KOTCH	2625 High St 50312	602-326-5621
7/1	7:36	Ken Kotch	Ken Kotch	2625 High St. 50312	602-326-5622
7/1	8:44	Jeff Wiegelschmitt	Jeff Wiegelschmitt	2712 High St 50312	515-238-7468
7/1	8:57	M. Schwiese	M. Schwiese	678 24th st 50312	515-975-2982
7/1	8:57	Natalie McCombs	Natalie McCombs	678 24th st 50312	515-669-4769
7/1	8:59	Brent Krizer	Brent Krizer	680 24th st 50312	515 829 9905
7/1	4:55	Traavis Krizer	Traavis Krizer	680 24th st 50312	515 802 6029



## Woodland Heights Neighborhood Association

Re: Proposed Zoning Changes to 601 24th Street & 602 23rd Street

I, the below signed individual, do NOT condone a zoning change to 601 24th Street & 602 23rd Street (northside of the 2300 block of High Street) to include Commercial Development.

Date	Time	Signature	Name	Address	Phone
6/28	5:00	[Signature]	BRIN DUELS	2513 HIGH STREET	515-291-6252
6/28	5:15	[Signature]	R. Mark Cuzzi	2421 High St	515-414-6280
6/28	5:15	[Signature]	Jessie Echterling	2421 High St	515-686-9013
6/28	5:20	[Signature]	TERRY A LERN	2411 HIGH ST	515-279-2299
6/28	5:04	[Signature]	Sydni Geyer	2405 High St.	515-779-5814
6/28	5:01	[Signature]	Josefina Rosa	608 23 St	515-447-0461
6/28	5:20	[Signature]	Mia Countryman	2211 High Street	515-720-5207
6/28	5:25	[Signature]	William Simmons	2213 High Street	515-499-2827
6/28	5:40	[Signature]	Katherine Scott	2127 High Street	515-554-7430
6/28	5:40	[Signature]	Grant Scott	2127 High Street	515-554-2511
6/28	5:50	[Signature]	Felicia Williams	2135 High St.	(515) 867-1754
6/28	5:50	[Signature]	STEVE WILLIAMS	2139 HIGH ST	515-778-3316
6/28	6:10	[Signature]	Joyce Flemmig	570 24th St	515-243-3411
6/28	6:30	[Signature]	John AHN	2301 Ingersoll Ave. #132	515-782-1286
6/28	6:30	[Signature]	Karl Klunder	2405 High St	515-778-5115
6/28	6:45	[Signature]	Alonso Foy Jr.	2423 High St.	515-512-2874
6/28	6:45	[Signature]	Zack Valigorsky	2501 High St	515-661-9861
6/28	6:30	[Signature]	Petar Madjarski	2406 High St.	310-740-5519
6/30	10:00 am	[Signature]	Strn Geyer	2405 High St.	515-943-9580
6/30	11:00	[Signature]	Brandon Larsson	550 24th St Apt 1	515-444-1745
6/30	11:02	[Signature]	Kirk Dawson	550 24th apt 4	515-681-8325
6/30	12:00	[Signature]	Rod Newsom	550 24th Apt 3	515-897-9130
6/30	3:00	[Signature]	ALICE TOWERS	2410 - High St.	515-280-5231
6/30	5:00 PM	[Signature]	WILLIAM DODGE	2506 High St	515-284-5419
6/30	5:05 PM	[Signature]	Deb Dodge	2506 High St	515-284-5419
6/30	5:05	[Signature]	David M Dodge	2506 High St	515-284-5419
6/30	5:55	[Signature]	KELLY ADAIR	2402 HIGH STREET	515-491-6331

**RECEIVED**  
**COMMUNITY DEVELOPMENT**  
**JUL 10 2019**



25

I, the below signed individual, do NOT condone a zoning change to 601 24th Street & 602 23rd Street (northside of the 2300 block of High Street) to include Commercial Development.

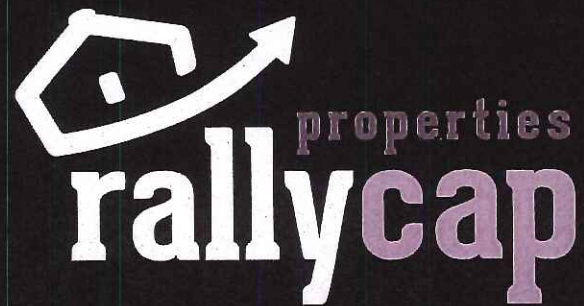
RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 10 2019



Re: Proposed Zoning Changes to 601 24th Street & 602 23rd Street

[illegible]





Planning & Zoning Commission // 09/05/19



vision

Rally Cap Properties is a boutique real estate development firm based in Des Moines, Iowa.

We exist to create lasting value in urban neighborhoods, by restoring homes & revitalizing communities.

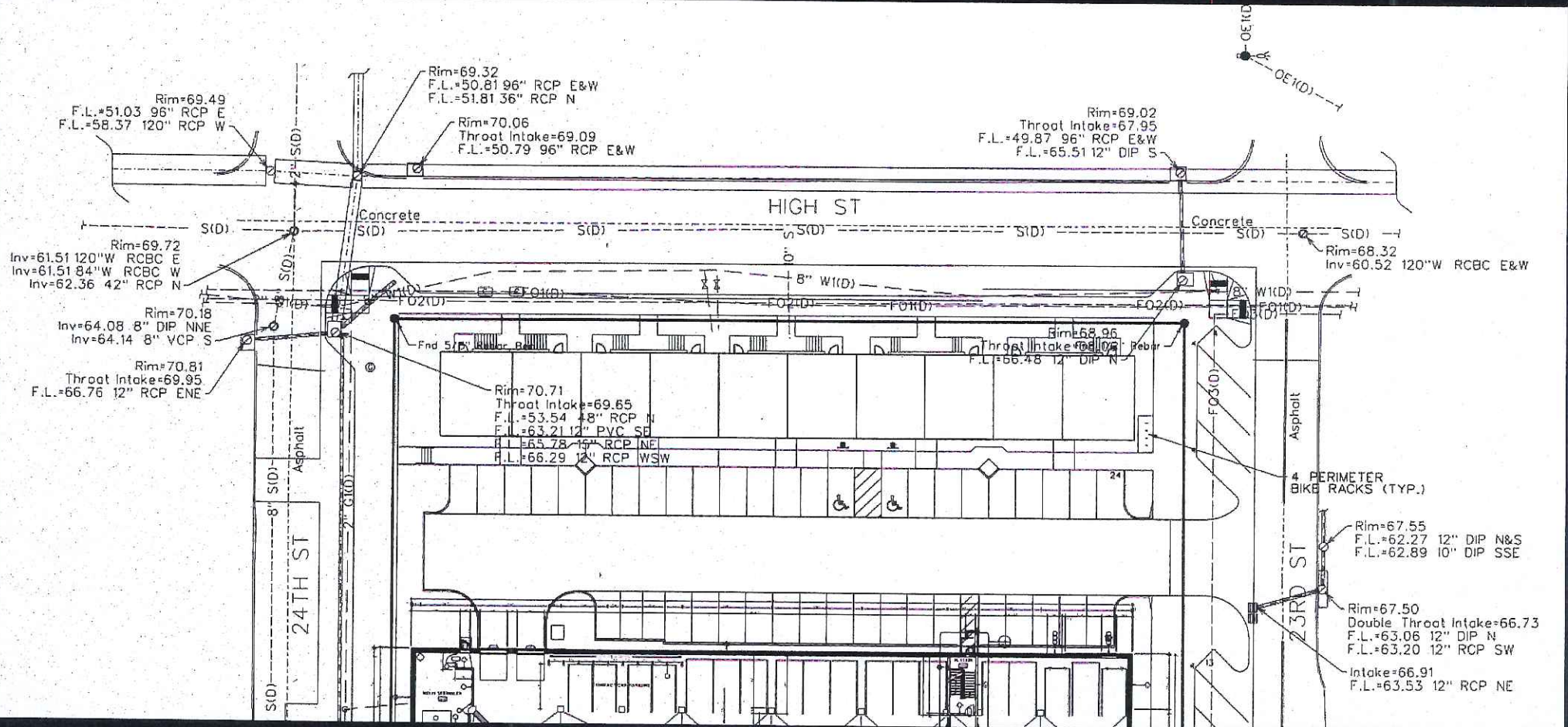


Roers proposal - south side of High Street



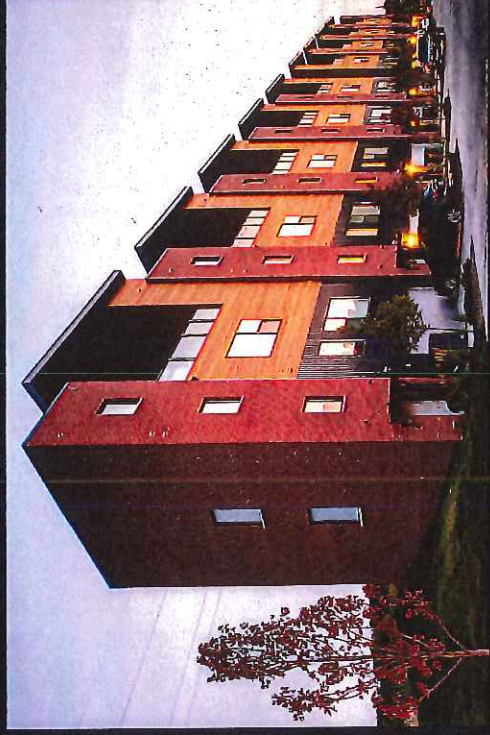


# Roers proposal - south side of High Street

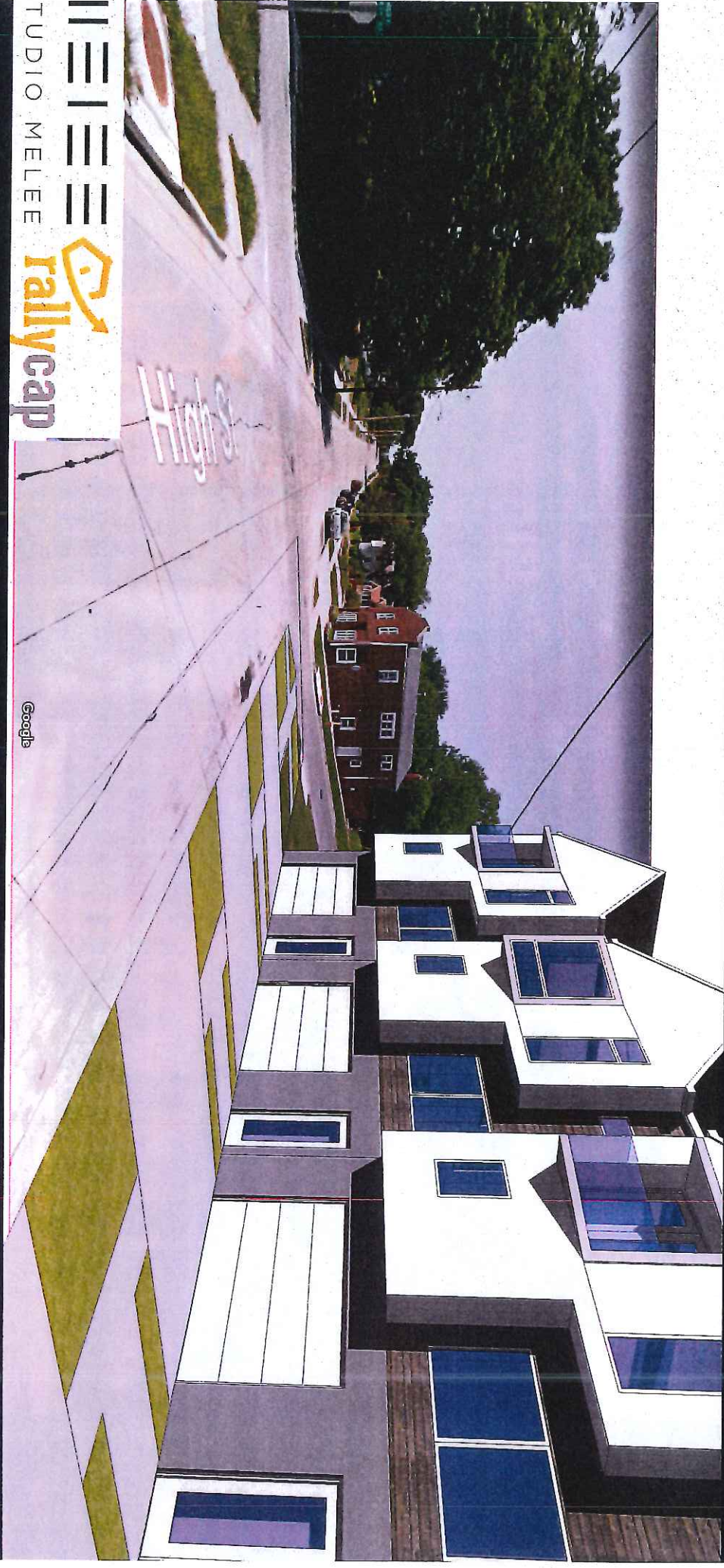




local examples



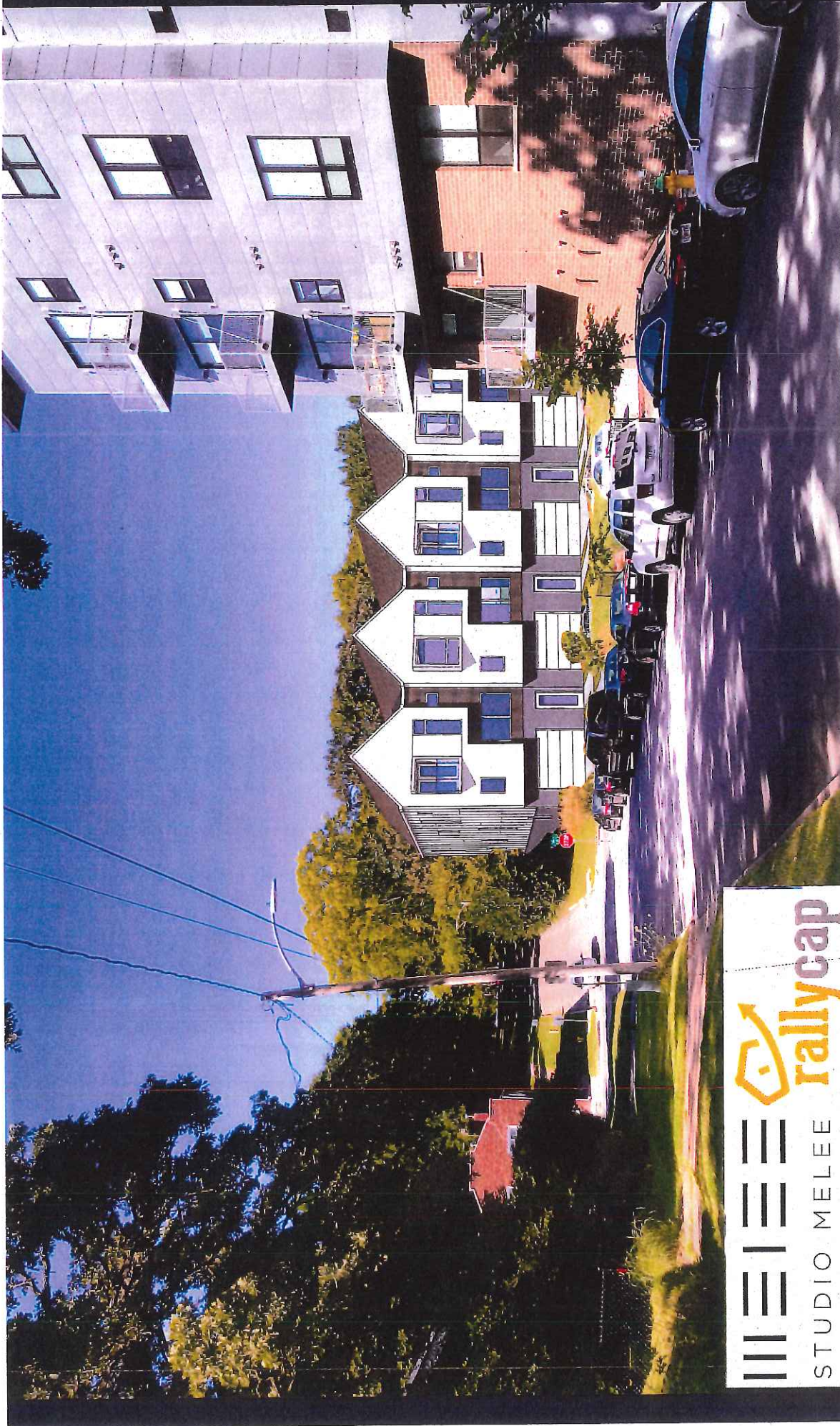




STUDIO MELEE  
rallycap

Google



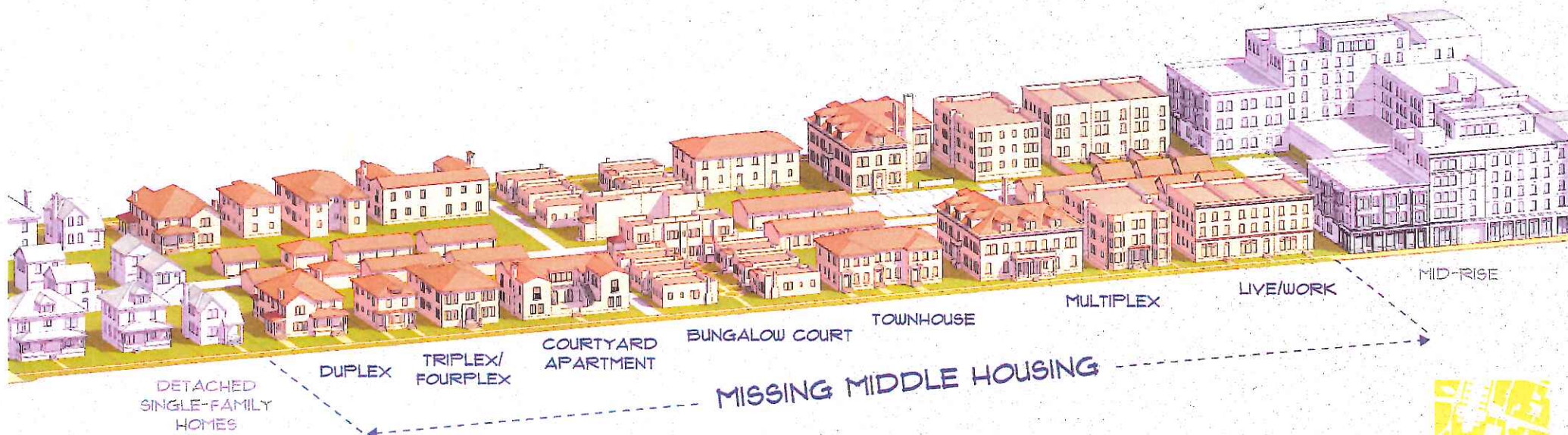






SCALE: 1" = 30'





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Opticos Design, Inc.







Google

Mediacom Communications  
Pancheros Mexican Grill  
Ingersoll Ave  
1st St  
6th St









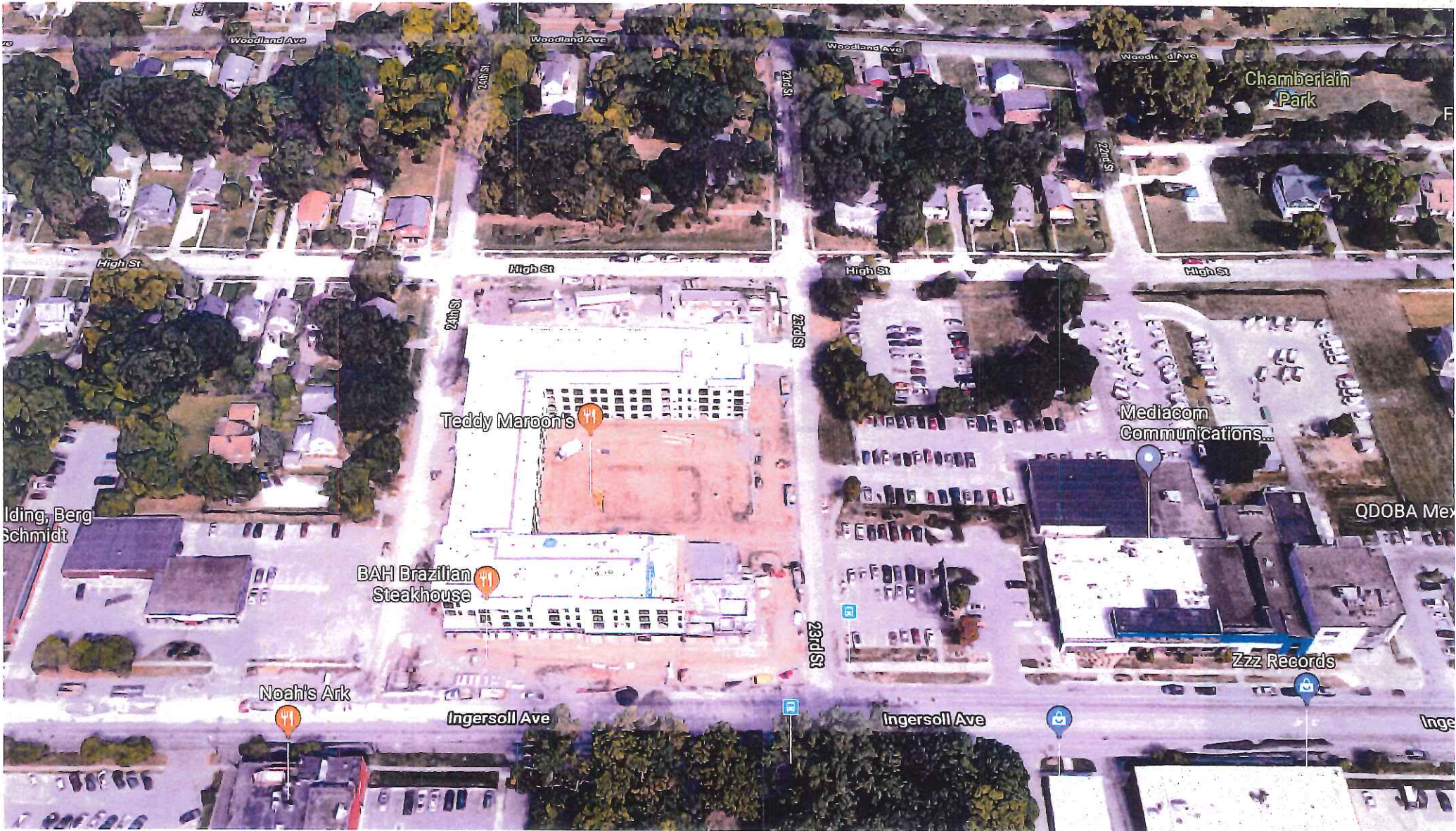
Pantheros Mexican Gr  
Ingersoll Ave  
Communications  
Mediac  
25th  
6

Google

High St



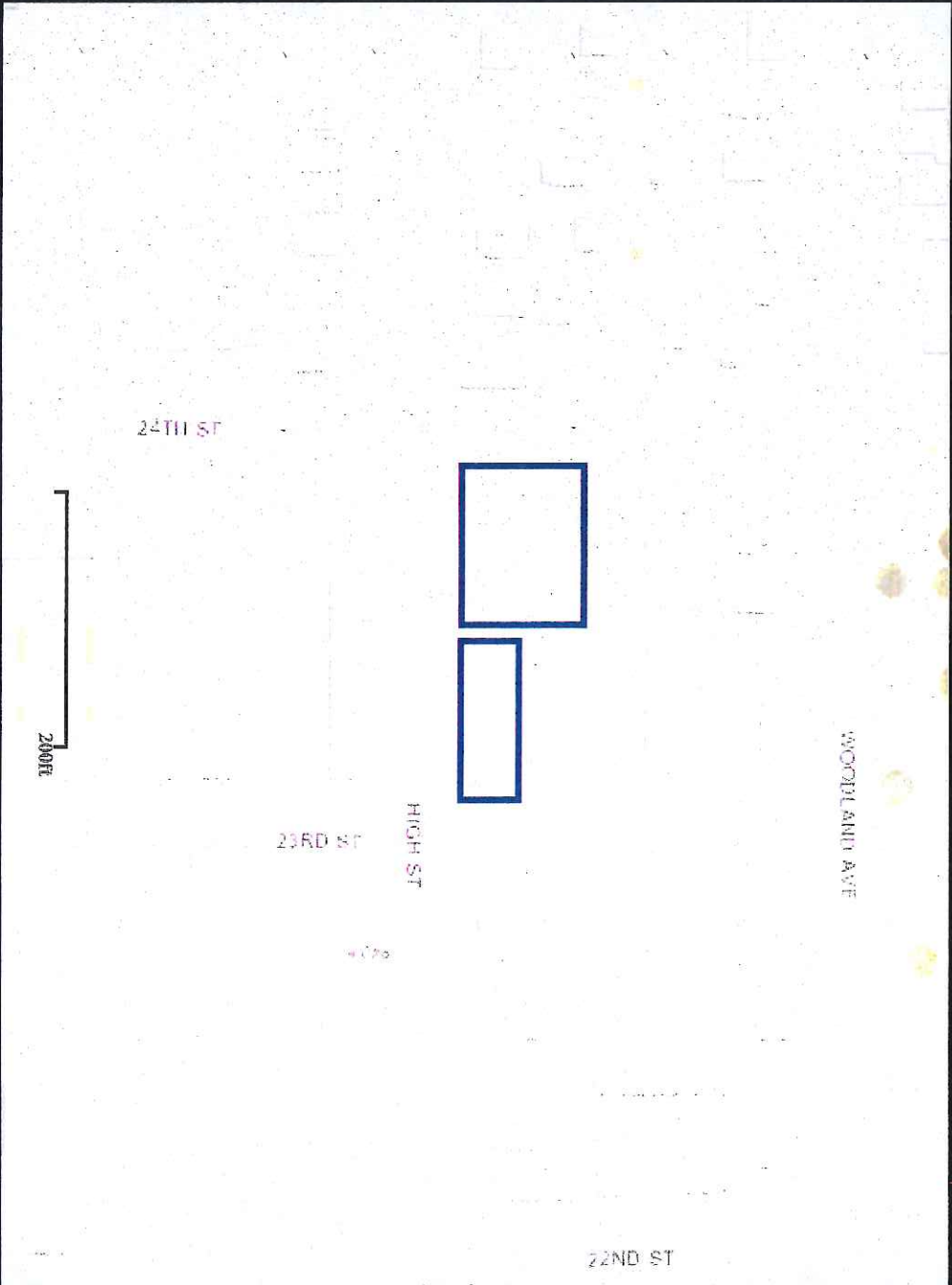




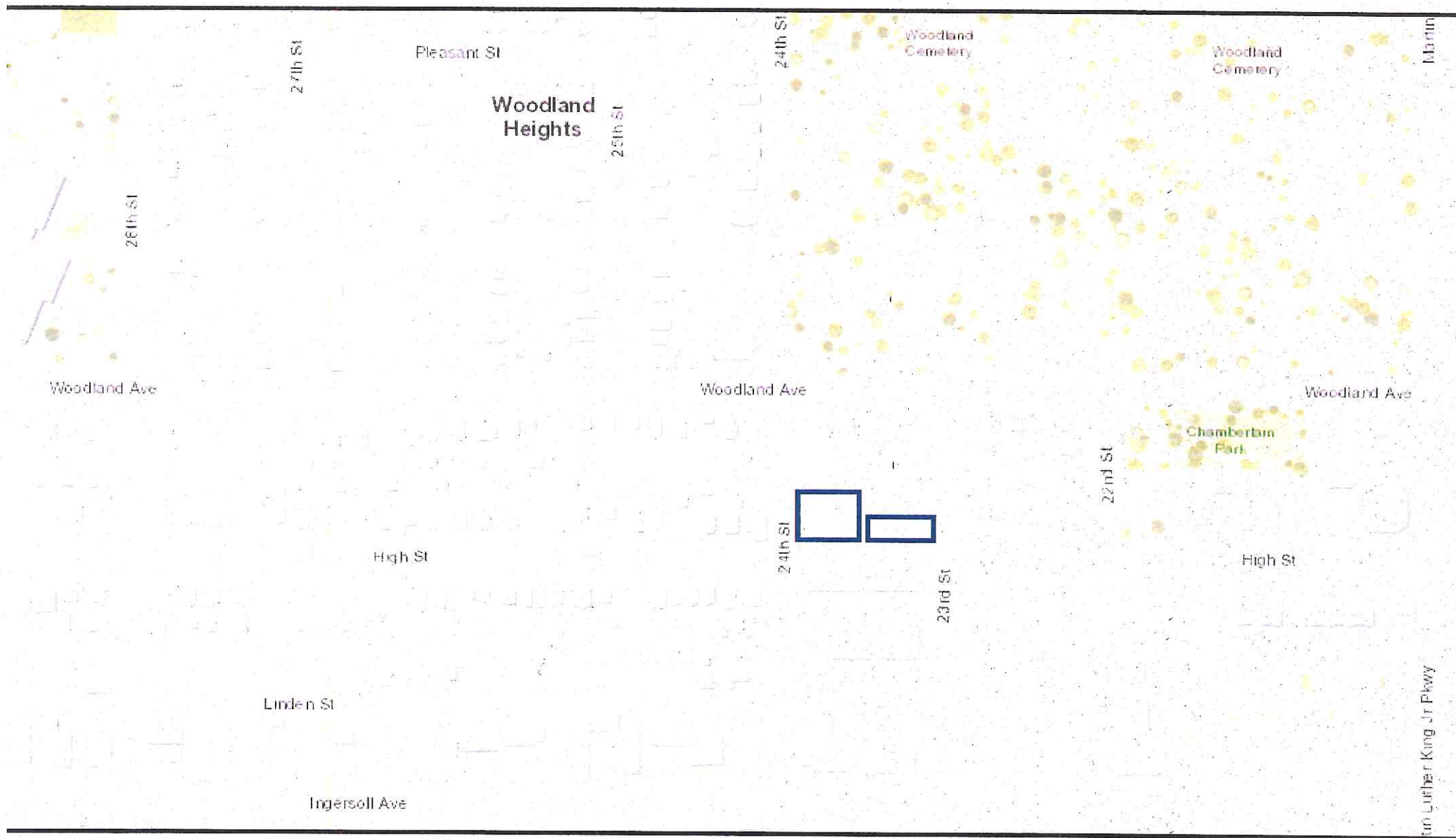


601 24th  
602 23rd

18,692 sqft  
0.429 acres







Marlin

Dr Luther King Jr Pkwy



















