

Date May 4, 2020

**RESOLUTION SETTING HEARING ON REQUEST FROM SAVANNAH HOMES, INC.  
TO REZONE PROPERTY LOCATED AT 3323, 3335 AND 3341 EAST 24<sup>TH</sup> STREET**

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

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Savannah Homes, Inc. (owner), represented by Ted Grob (officer), to rezone the real property locally known as 3323, 3335, and 3341 East 24th Street (“Property”) from P2 Public, Civic and Institutional District to N3a Neighborhood District, to allow for development of one House Type B single-household residential dwelling in addition to two previously approved single-household residential dwellings; and

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

ALL OF PARCEL “2019-25” OF PLAT OF SURVEY RECORDED IN BOOK 17271 PAGE 679, BEING PART OF LOT 1, ALL IN WILLOUGHBY ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

ALL OF PARCELS “2019-87” AND “2019-88” OF PLAT OF SURVEY RECORDED IN BOOK 17348 PAGE 254, BEING PART OF LOT 1, ALL IN WILLOUGHBY 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, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on May 18, 2020, by electronic means in accordance with the Governor’s and Mayor’s Proclamations.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

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

FORM APPROVED:

*/s/ Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2020-00029)

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

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. KAY CMELIK, 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



April 28, 2020

Date May 4, 2020  
 Agenda Item 22  
 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 April 16, 2020 meeting, the following action was taken regarding a request from Savannah Homes, Inc. (owner) represented by Ted Grob (officer) to rezone property located at 3323, 3335, and 3341 East 24<sup>th</sup> Street from “P2” Public, Civic and Institutional District to “N3a” Neighborhood District, to allow for development of One Household Living use dwellings.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus				X
Dory Briles	X			
Abby Chungath	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 proposed rezoning in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential and Part B) **APPROVAL** of the requested rezoning to “N3a” Neighborhood District. (ZON2020-00035)

Written Responses

6 in Favor

0 in Opposition

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

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential.

Part B) Staff recommends approval of the requested rezoning to "N3a" Neighborhood District.

Should the requested rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow the specific proposed uses of the property.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning to the "N3a" District would allow the applicant to develop the property for a one household dwelling using the House Type B building type.
2. **Size of Site:** 60 feet by 190 feet irregular-shaped (9,589 square feet).
3. **Existing Zoning (site):** "P2" Public, Civic and Institutional District.
4. **Existing Land Use (site):** Undeveloped land and one household dwellings under construction.
5. **Adjacent Land Use and Zoning:**
  - North** - "NX2", Use is an independent senior living multiple-household dwelling.
  - South** - "N3a"; Uses are one-household dwellings.
  - East** - "P2"; Use is Assembly, Place of Worship.
  - West** - "N3a"; Uses are one-household dwellings and interstate freeway.
6. **General Neighborhood/Area Land Uses:** The subject property is in a transitional area between mixed-use to the north, I-235 freeway to the west and one-household living neighborhood to the east and south.

**Applicable Recognized Neighborhood(s):** The subject property is located within the Fairmont Park Neighborhood and within 250 feet of an area jointly considered the Douglas Acres Neighborhood. A notice of the April 16, 2020 electronic/Zoom meeting was mailed on April 3, 2020 to the Fairmont Park Neighborhood, the Douglas Acres Neighborhood and the primary titleholder on file with the Polk County Assessor for

each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on April 10, 2020.

The Fairmont Park Neighborhood mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317, and the Douglas Acres Neighborhood mailings were sent to Joe Youngwirth, 3824 Lay Street, Des Moines, IA 50317.

The applicant held a required neighborhood meeting on February 10, 2020. The applicant has provided the required written summary of the neighborhood meeting.

7. **Relevant Zoning History:** The City' new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned "P2" Public, Civic and Institutional District. This was based on the drafting of the Zoning Map to reflect it as part of the church property at the time.
8. **PlanDSM Land Use Plan Designation:** The property is designated as Low Density Residential.
9. **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 Future Land Use Plan:** The future land use designation for the property is Low Density Residential. No amendment would be necessary to find the proposed rezoning in conformance with PlanDSM as "N3a" Neighborhood District is consistent with Low Density Residential Development under 6 household units per acre.
2. **Streets and Access:** A traffic study was not required by the City's Traffic Engineering Division for the requested rezoning. The property already has frontage and access to an improved public street on East 24<sup>th</sup> Street.
3. **Utilities:** The property also has access to all necessary public utilities within East 24<sup>th</sup> Street.
4. **Housing Development:** The applicant purchased the property from the church owner to the east and subdivided it by Plat of Survey instrument during the Zoning Ordinance update process within the past year. Two, one-household dwellings were issued permits under the previous "R1-60" zoning in place at the time. The applicant is seeking issuance of a permit for a third one-household dwelling on the remaining lot. Any permit would be issued under the House Type B regulations if the property is rezoned. The houses under construction were reviewed under the previous ordinance

and are considered pre-existing but would become conforming in the event the proposed rezoning is approved.

## **SUMMARY OF DISCUSSION**

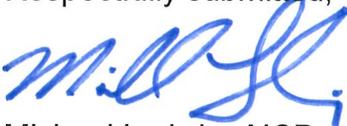
Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

## **COMMISSION ACTION:**

John "Jack" Hilmes made a motion for approval of Part A) the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential and Part B) **APPROVAL** of the requested rezoning to "N3a" Neighborhood District.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

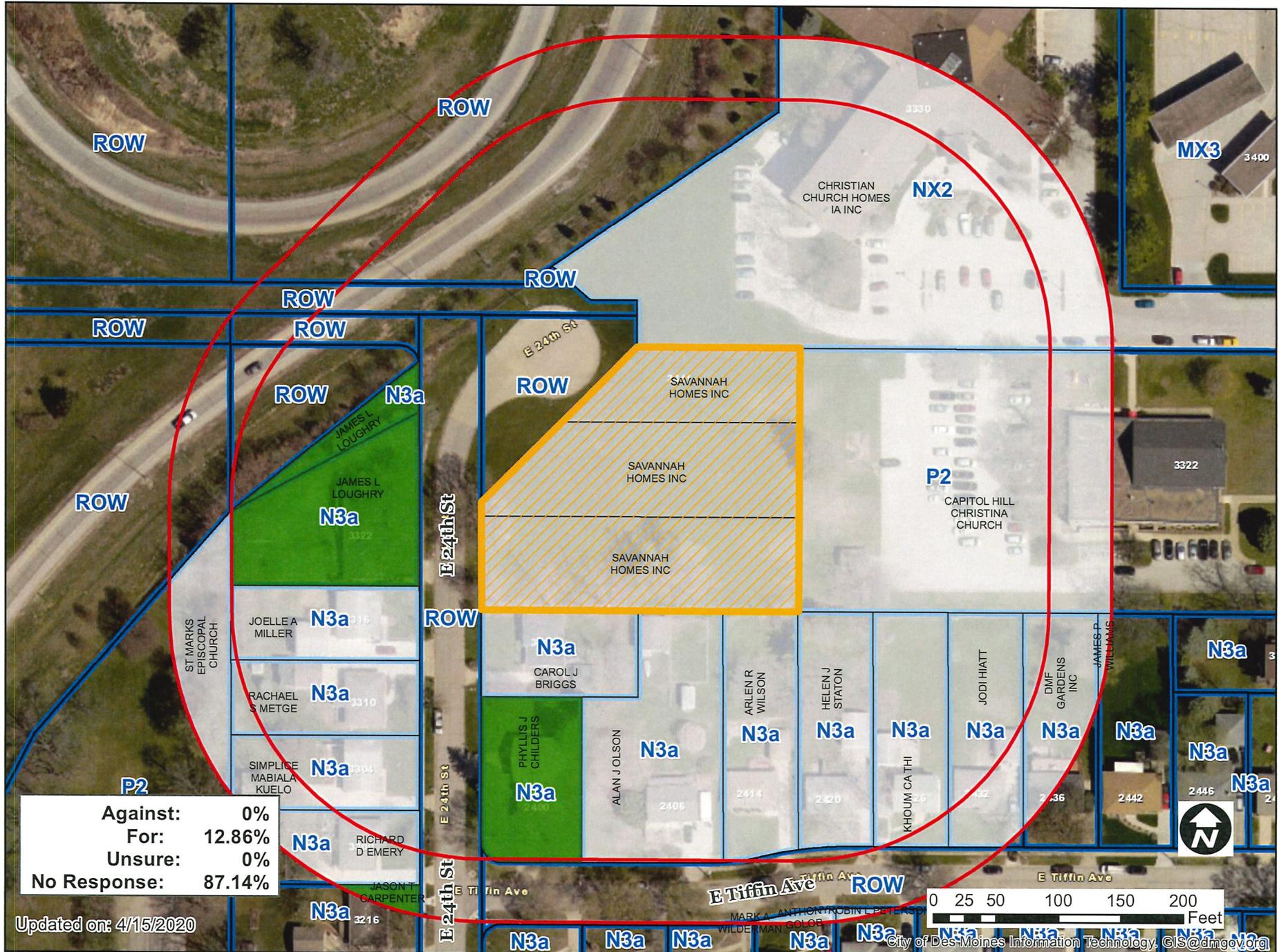
Savannah Homes, Inc. (owner) represented by Ted Grob (officer) for property located at 3323, 3335, and 3341 East 24th Street.			File # ZON2020-00035		
Description of Action	Rezone property from "P2" Public, Civic and Institutional District to "N3a" Neighborhood District, to allow for development of One Household Living use dwellings.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"P2" Public, Civic and Institutional District.				
Proposed Zoning District	N3a" Neighborhood District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	6	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Savannah Homes, Inc., 3323, 3335, and 3341 East 24th Street

ZON2020-00035



1 inch = 103 feet



22

Item: ZON2020-00035 Date: 4/5/20

I  (am) (am not) in favor of the request: 22

(Circle One) Print Name: Frank Holt

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Frank Holt

APR 10 2020

Address: 2675 Hull Ave., DSM, IA

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

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

Item: ZON2020-00035 Date: April 6-2020

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

(Circle One) Print Name: Phyllis J Childers

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Phyllis J Childers

APR 10 2020

Address: 318 SE 64th St Pkbt

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

in an area of many single famie,  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZON2020-00035 Date: 4/5/2020

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

(Circle One)

22

Print Name: HEE LOUGHRY

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Hee Loughry

APR 10 2020

Address: 3322-E-24th

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

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

Item: ZON2020-00035 Date: 4-7-2020

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

(Circle One)

Print Name: ISD GROUP

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: [Signature]

APR 10 2020

Address: 3335 ; 3323 E. 24<sup>th</sup>

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

IMPROVES NEIGHBORHOOD ;  
PROVIDES MUCH NEEDED AFFORDABLE  
HOUSING  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZON2020-00035 Date: \_\_\_\_\_

I  (am) (am not) in favor of the request: 22

(Circle One)

Print Name: Fairmont Park Neighborhood Assoc

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: J. Witte

APR 13 2020

Address: 2501 myrtle

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

Fairmont Park Neighborhood Assoc. is  
in favor of Re Zoning.

Thank You

Jeff Witte President FPNA

Item: ZON2020-00035 Date: 4-9-2020

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

(Circle One)

Print Name: Joson T. Carpenter

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: [Signature]

APR 13 2020

Address: 3216 E 24<sup>th</sup> Street

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

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