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Date May 4, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM ANCHOR INVESTMENT GROUP, LLC TO REZONE PROPERTY LOCATED AT 901 SOUTHEAST 7TH STREET AND 709 AND 714 VALE 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 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Anchor Investment Group, LLC (owner), represented by Michael Donlin (officer), to rezone the real property locally known as 901 Southeast 7th Street and 709 and 714 Vale Street (collectively “Property”) from N3c Neighborhood District to Limited NX2 Neighborhood Mix District, to allow for development of two rowhouse structures each containing six household units, subject to the following conditions:

1. Any development that provides three (3) or more attached household units or three (3) or more households per lot shall utilize the adjoining public alley for vehicular access.
2. Any development that utilizes the adjoining alley shall improve the alley to the satisfaction of the City Engineer; and

WHEREAS, the Property is legally described as follows:

Lots 1, 2, 9 and 10, Block 70, TOWN OF DEMOINE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; And
The vacated North/South alley right-of-way adjoining Lots 1, 2, 9 and 10, Block 70, TOWN OF DEMOINE, 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.



Roll Call Number

Agenda Item Number

23

Date May 4, 2020

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2020-00025)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk



April 28, 2020

Date May 4, 2020
 Agenda Item 23
 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 Anchor Investment Group, LLC (owner) represented by Michael Donlin to rezone property located at 901 Southeast 7th Street, 709 Vale Street and 714 Vale Street from “N3c” Neighborhood District to “NX2” Neighborhood Mix District, to allow for development of row townhome household units.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| 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 proposed rezoning to “NX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low-Medium Density Residential.” And Part B) **APPROVAL** of rezoning the subject property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District subject to the following conditions:

1. Any development that provides three (3) or more attached household units or three (3) or more households per lot shall utilize the adjoining public alley for vehicular access.
2. Any development that utilizes the adjoining alley shall improve the alley to the satisfaction of the City Engineer. (ZON2020-00025)

Written Responses

0 in Favor

6 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “NX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low-Medium Density Residential.”

Part B) Staff recommends approval of rezoning the subject property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District subject to the following conditions:

1. Any development that provides three (3) or more attached household units or three (3) or more households per lot shall utilize the adjoining public alley for vehicular access.
2. Any development that utilizes the adjoining alley shall improve the alley to the satisfaction of the City Engineer.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the site to be redeveloped with a rowhouse product. The applicant has submitted a site sketch and conceptual building elevations that indicate the project would consist of two rowhouse structures with each containing six units. All 12 of the units would be oriented towards Vale Street with rear loaded garages accessed from the adjoining alley. The submitted information indicates the project would be developed in two phases.
2. **Size of Site:** 318 feet by 112 feet (35,616 square feet or 0.818 acres).
3. **Existing Zoning (site):** “N3c” Neighborhood District.
4. **Existing Land Use (site):** The site contains three, one household dwellings.
5. **Adjacent Land Use and Zoning:**

North – “N3c”; Uses are one household dwellings.

South – “N3c”; Uses are one household dwellings.

East – “N3c”; Uses are one household dwellings.

West – “P1”; Use is vacant land owned by the City along the Des Moines River levee.

- 6. General Neighborhood/Area Land Uses:** The subject property is located just east of the Des Moines River levee in an area that contains a mix of residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the March 5, 2020 public hearing by mailing of the Preliminary Agenda on February 14, 2020 and by mailing of the Final Agenda on February 28, 2020. A Final Agenda for the March 19, 2020 public hearing was mailed March 13, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 14, 2020 (20 days prior to March 5, 2020 public hearing) and February 24, 2020 (10 days prior to the March 5, 2020 public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

A notice regarding postponement of the March 19, 2020 P&Z meeting was mailed on March 13, 2020 to East Village Neighborhood Association and all primary titleholders on file with the Polk County Assessor for each property within 250' of the site.

A notice of the April 16, 2020 electronic/Zoom meeting was mailed on April 3, 2020 to the East Village Neighborhood Association 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.

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 Historic East Village Neighborhood Association notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

The applicant held a neighborhood meeting on March 15, 2020. A written summary must be submitted by the applicant no later than three (3) days prior to the Commission meeting, which is Monday, April 13, 2020. As of April 9, 2020, a summary has not been provided by the applicant.

8. Relevant Zoning History: N/A.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:
Low/Medium 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:** The subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. Plan DSM describes this designation as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

The applicant is proposing to rezone the property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District. The Zoning Ordinance states that “NX2 is intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.” Building types allowed in this district include the Civic Building, Flat Building, Row Building and House D.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.
3. **Grading & Storm Water Management:** 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.
4. **Utilities:** All necessary utilities are located within the adjoining street rights-of-way. The project would require the extension of a water main along Vale Street from the side streets to serve each rowhouse unit.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Will Page asked how the number of people in opposition would affect City Council’s vote.

Jason Van Essen stated it would require a 6/7 vote from City Council to approve the rezoning.

Michael Donlin, 640 48th Street stated they are proposing 2 buildings with 6 units in each building. They feel this has been designed to fit the future land use plan and all 12 units will be sold individually as condominiums.

Jann Freed asked if the applicant agrees with the staff recommendation.

Michael Donlin stated yes.

Jacqueline Easley asked why the East Village Neighborhood Association didn't receive notice.

Michael Donlin stated they mailed notices to the neighborhood and had to cancel the public meeting due to COVID-19. He also reached out via phone call to the Neighborhood Association but was unable to get in touch with them.

CHAIRPERSON OPENED THE PUBLIC HEARING

Thomas Ellis, 712 E. Railroad Avenue stated he is opposed to driveways accessing the alley. He doesn't feel it's safe because the kids in the neighborhood play along the alley way.

Jody Ellis, 712 E. Railroad Avenue stated more pedestrians use the alley rather than the street side.

Larry Parsons, 806 E. Railroad Avenue stated he is opposed to the project because of increased traffic and he would rather see single family homes in the area.

David Johnson, 700 E. Railroad stated he would like to second the concerns that have been stated regarding increased traffic and the safety of the children in the neighborhood.

Vicki Stark, 700 E. Railroad stated the alley has been vacant and unmaintained for years. Allowing 12 driveways to access the alley would drastically change the character of the neighborhood.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Michael Donlin stated alley access isn't a big deal to him but it could be better for future resale with garages that do not face the street.

Jann Freed asked if the applicant has options regarding drive access?

Mike Ludwig stated it is clear the zoning code would encourage the driveways and/or garages to face and have access to the alley. We are discussing this item for rezoning tonight and could consider different options as staff reviews the site plan such a separate private drive that connects the driveways to each unit.

Will Page asked how the alley would be improved to satisfy the City Engineering.

Mike Ludwig stated it would need to be hard surface regardless if it's the alley right of way or a private drive along the private property.

Greg Wattier stated the topic tonight is more about medium density in this area opposed to increase traffic.

Jann Freed stated it's good to hear there can be negotiation during the site plan review.

Greg Wattier stated he would be inclined to move staff recommendation as this project makes since for the area.

Jason Van Essen asked if Greg Wattier would like modify condition #1 in the recommendation to allow more discussion about the alley access.

Greg Wattier stated he would rather see garages along the alley rather than Vine Street.

Greg Jones stated he's in agreement with Greg Wattier's comments.

Will Page stated he would be in favor of keeping condition #1 in the recommendation.

COMMISSION ACTION:

Greg Wattier made a motion for approval of Part A) the proposed rezoning to "NX2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low-Medium Density Residential." And Part B) **APPROVAL** of rezoning the subject property from "N3c" Neighborhood District to "NX2" Neighborhood Mix District subject to the following conditions:

1. Any development that provides three (3) or more attached household units or three (3) or more households per lot shall utilize the adjoining public alley for vehicular access.
2. Any development that utilizes the adjoining alley shall improve the alley to the satisfaction of the City Engineer.

Motion passed: 11-0-1

Respectfully submitted,

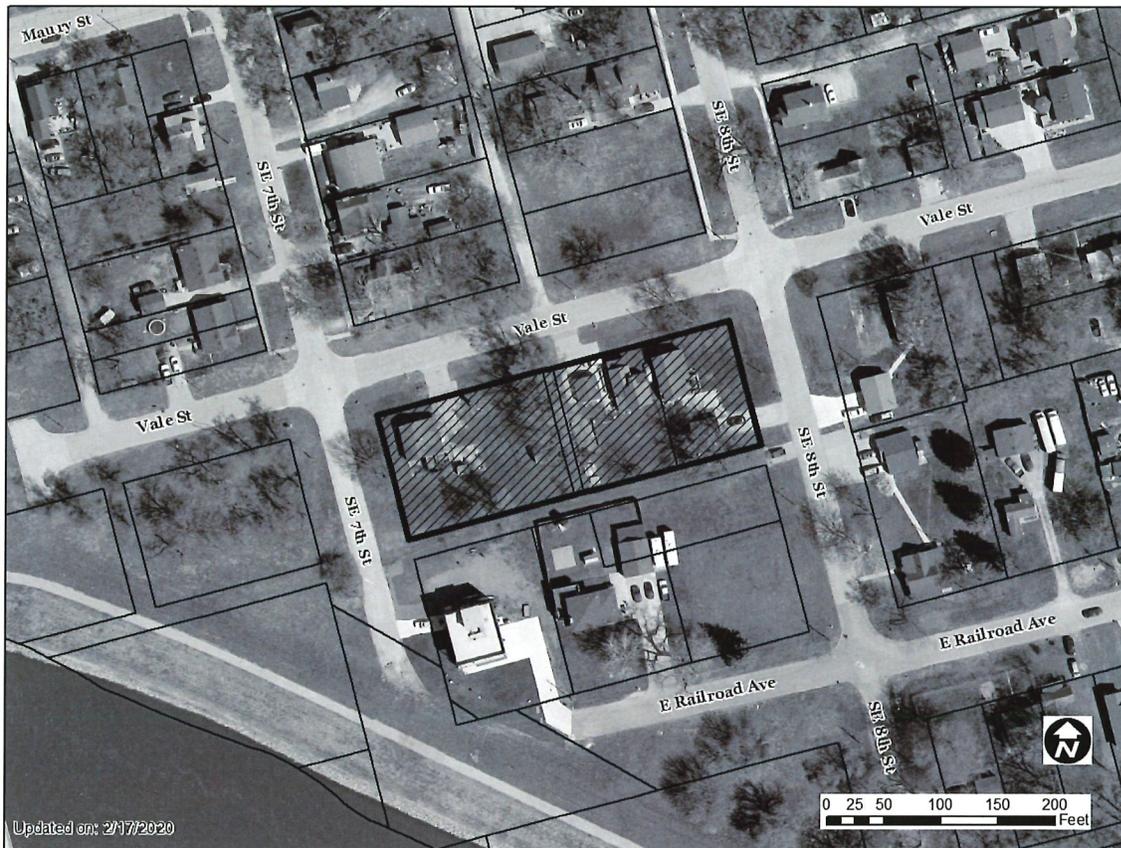


Michael Ludwig, AICP
Planning Administrator

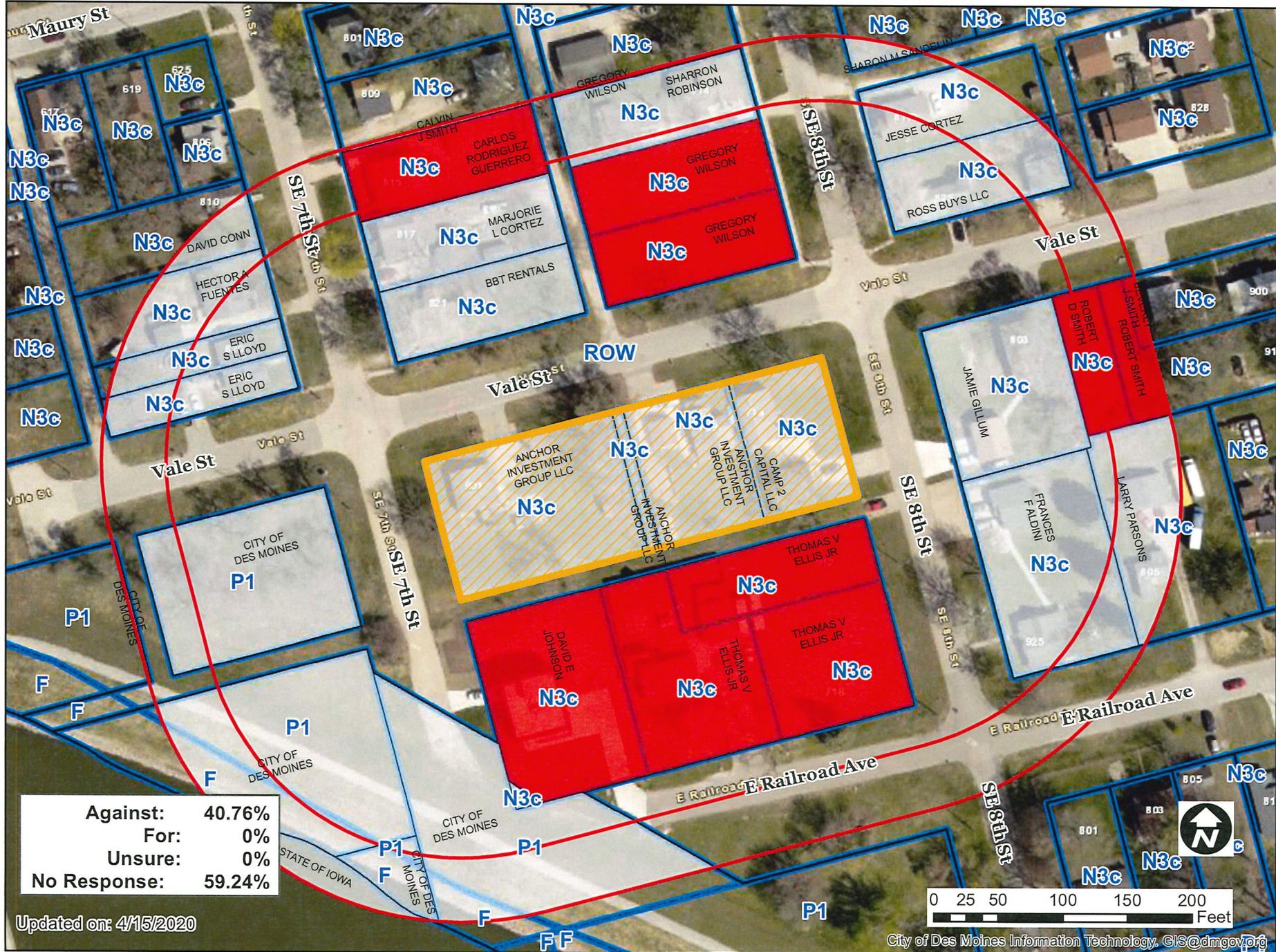
MGL:tjh

| | | | | | |
|--|--|--------------|---------------------------------------|-------------------------|---|
| Anchor Investment Group, LLC (owner) represented by Michael Donlin for property located at 901 Southeast 7th Street, 709 Vale Street and 714 Vale Street. Additional subject property is owned by Camp 2 Capital, LLC. | | | | File # ZON2020-00025 | |
| Description of Action | Rezone property from "N3c" Neighborhood District to "NX2" Neighborhood Mix District, to allow for development of row townhome household units. | | | | |
| PlanDSM Future Land Use | Current: Low-Medium Density Residential. Proposed: N/A. | | | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | | | |
| Current Zoning District | "N3c" Neighborhood District. | | | | |
| Proposed Zoning District | "NX2" Neighborhood Mix District. | | | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined | % Opposition | |
| Outside Area (200 feet) | 0 | 6 | | 40.76 | |
| Within Subject Property | | | | | |
| Plan and Zoning Commission Action | Approval | X | Required 6/7 Vote of the City Council | Yes | X |
| | Denial | | | No | |

Anchor Investment Group, LLC, 901 S.E. 7th St., 709 Vale St., 714 Vale St., vacated alley ZON2020-00025



1 inch = 98 feet



| | |
|--------------|--------|
| Against: | 40.76% |
| For: | 0% |
| Unsure: | 0% |
| No Response: | 59.24% |

Updated on: 4/15/2020

23

Item: ZON2020-00025

Date: 2-29-2020

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

23

(Circle One)

Print Name: GREG WILSON

RECEIVED
COMMUNITY DEVELOPMENT

Signature: *Greg Wilson*

MAR 02 2020

Address: 725 MAURY ST.

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

This is a single family dwelling neighborhood. I do not want multi-family dwelling with the traffic and problems that come with it. Its a quiet neighborhood AND we want

that way

Item: ZON2020-00025

Date: 2/27/20

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

(Circle One)

Print Name: Thomas V. Ellis Jr

RECEIVED
COMMUNITY DEVELOPMENT

Signature: *Tom V. Ellis Jr*

MAR 02 2020

Address: 712 E Railroad Ave
50309

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

Because of the row of town homes coming with over crowding. This is a quiet area and want it to remain that way. only one home near w/ issues & we dont need more opportunity built

Item: ZON2020-00025 Date: Feb. 27, 2020

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

(Circle One)

Print Name: Phyllis Smith

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Phyllis Smith

MAR 02 2020

Address: 900 S. E. 9th

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

Does not fit down here

Item: ZON2020-00025 Date: _____

I (am) (am not) in favor of the request:
(Circle One) Print Name: David Johnson

RECEIVED
COMMUNITY DEVELOPMENT
APR 03 2020 Signature: _____
Address: 700 E. Railroad

Reason for opposing or approving this request may be listed below:
opposed to changing zoning from
single family dwellings to multi-
family rentals. Alley is currently
unmaintained. Proposal would use alley as
access to new units.

Item: ZON2020-00025

Date: 3/9/20

23

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

(Circle One)

Print Name: David E. Johnson

RECEIVED
COMMUNITY DEVELOPMENT

Signature: David E. Johnson

APR 13 2020

Address: 700 E. Railroad Ave.

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

Oppose changing zoning from single family homes to NX2. NX2 would allow larger commercial bldgs Temporary shelters, assisted living etc. Developers intend to use row houses as rentals & use alley for access. Density & noise issues. Alley currently not maintained.

to keep it family not business

Item: ZON2020-00025

Date:

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

(Circle One)

Print Name: Carlos Rodriguez

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Carlos Rodriguez

APR 10 2020

Address: 815 SE FM ST DSM, IA 5030

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

We been living in this community for years and is a com and peacefull neighborhood. If town Homes or Apartments get build our neighborhood - will not be private any more / family more traffic will come thru our streets we don't want that