



Date February 22, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM JOPPA, LLC (OWNER)
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE
PROPERTY LOCATED AT 1010 13TH STREET**

WHEREAS, on February 8, 2021, by Roll Call No. 21-0193, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from JOPPA, LLC (Owner), represented by Curtis Carlson (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1010 13th Street (“Property”) from Low Density Residential to Low-Medium Density Residential to allow rezoning to ‘N5-2’ Neighborhood District to allow the property to be converted to a Two-Household use (duplex) and to rezone the Property from ‘N5’ Neighborhood District to ‘N5-2’ Neighborhood District for the above-stated purpose; and

WHEREAS, on February 8, 2021, by Roll Call No. 21-0193, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on February 22, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed PlanDSM amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1010 13th Street:

ALL NORTH OF A LINE EXTENDING FROM A POINT 78 FEET SOUTH OF THE
NORTHEAST CORNER OF LOT 1 TO A POINT 82.78 FEET SOUTH OF THE
NORTHWEST CORNER OF LOT 4, ALL IN LOTS 1, 2, 3 AND 4 OF BLOCK F OF
DAY’S ADDITION TO FORT DES MOINES, POLK COUNTY, IOWA

to ‘N5-2’ Neighborhood District.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:



Roll Call Number

Agenda Item Number

46

Date February 22, 2021

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the amendment to the PlanDSM future land use designation and rezoning of the Property to 'N5-2' Neighborhood District, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1010 13th Street to Low-Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'N5-2' Neighborhood District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


 Judy K. Parks-Kruse
 Assistant City Attorney

(21-2021-4.01)
 (ZON2021-00005).

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

MOTION CARRIED APPROVED

Mayor

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.

City Clerk



Date February 22, 2021
 Agenda Item 46
 Roll Call # _____

February 2, 2021

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 21, 2021 meeting, the following action was taken regarding a request from JOPPA, LLC (owner) represented by Curtis Carlson (officer) to rezone property located in the vicinity of 1010 13th Street "N5" Neighborhood District to "N5-2" Neighborhood District, to allow the property to be developed with a Two-Household Living use (duplex).

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	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 "N5-2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential.", Part B) **APPROVAL** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and Part C) **APPROVAL** of rezoning the

subject property from “N5” Neighborhood District to “N5-2” Neighborhood District.
(ZON2021-00005)

Written Responses

2 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “N5-2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”

Part B) Staff recommends approval of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow construction of a two-household dwelling.
2. **Size of Site:** 12,862 square feet (0.295 acres).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** Undeveloped lot.
5. **Adjacent Land Use and Zoning:**
 - North** – “N5”; Use is a two-household dwelling.
 - South** – “N5”; Use is Interstate 235.
 - East** – “P2”; Use is a church (St. Paul’ African Methodist Episcopal Church).
 - West** – “N5”; Use is a community garden.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the west side of 13th Street just to the north of the freeway in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Cheatom Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on January 7, 2021 and by mailing of the Final Agenda on January 15, 2021. Additionally, separate notifications of the hearing for this

specific item were mailed on December 30, 2020 (20 days prior to the public hearing) and January 11, 2021 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Cheatom Park Neighborhood Association mailings were sent to Susan Wells, 1157 14th Place, Des Moines, IA 50314.

Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. However, on December 7, 2020, the applicant mailed a letter to the neighboring property owners and neighborhood association to explain their proposal and to provide contact information in case they had any questions or comments. The applicant will provide a summary of any communications with neighboring property owners prior to the public hearing.

8. **Relevant Zoning History:** On June 26, 2019, by Docket ZON2019-00088, the Board of Adjustment granted an Exception of 10 feet less than the minimum required 30-foot front yard setback to allow construction of a two-family (duplex) residential structure that would be within 20 feet of the east (front) property line along 13th Street.

At the time of the Board of Adjustment's hearing, the property was zoned "R-3" Multiple-Family Residential District. However, the applicant did not obtain a building permit for a two-family residential structure prior to December 16, 2019, at which time the property was rezoned to "N5" Neighborhood District.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as "Low-Density Residential" on the Future Land Use Map. Plan DSM describes this designation 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.

The applicant is proposing to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District. The “N5-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” building types. The proposed two (2) dwelling units on a 0.295-acre lot represent a new density of 6.78 units per acre. Therefore, the rezoning requires that the future land use designation be amended to Low-Medium Density Residential. Plan DSM describes this designation as follows:

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

- 2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). The proposed “N5-2” District allows for one- and two-household dwellings that are in accordance with the “House D” building type. The provisions for this building type is contained in City Code Section 135-2.16. Any deviation from these requirements would be subject to the consideration of any necessary future Type 1 or Type 2 Design Alternative(s).

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Dory Briles made a motion for approval of Part A) the proposed rezoning to “N5-2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”, Part B) **APPROVAL** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and Part C) **APPROVAL** of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District.

Motion passed: 14-0

Respectfully submitted,



Michael Ludwig, AICP
Deputy Director of Development Services

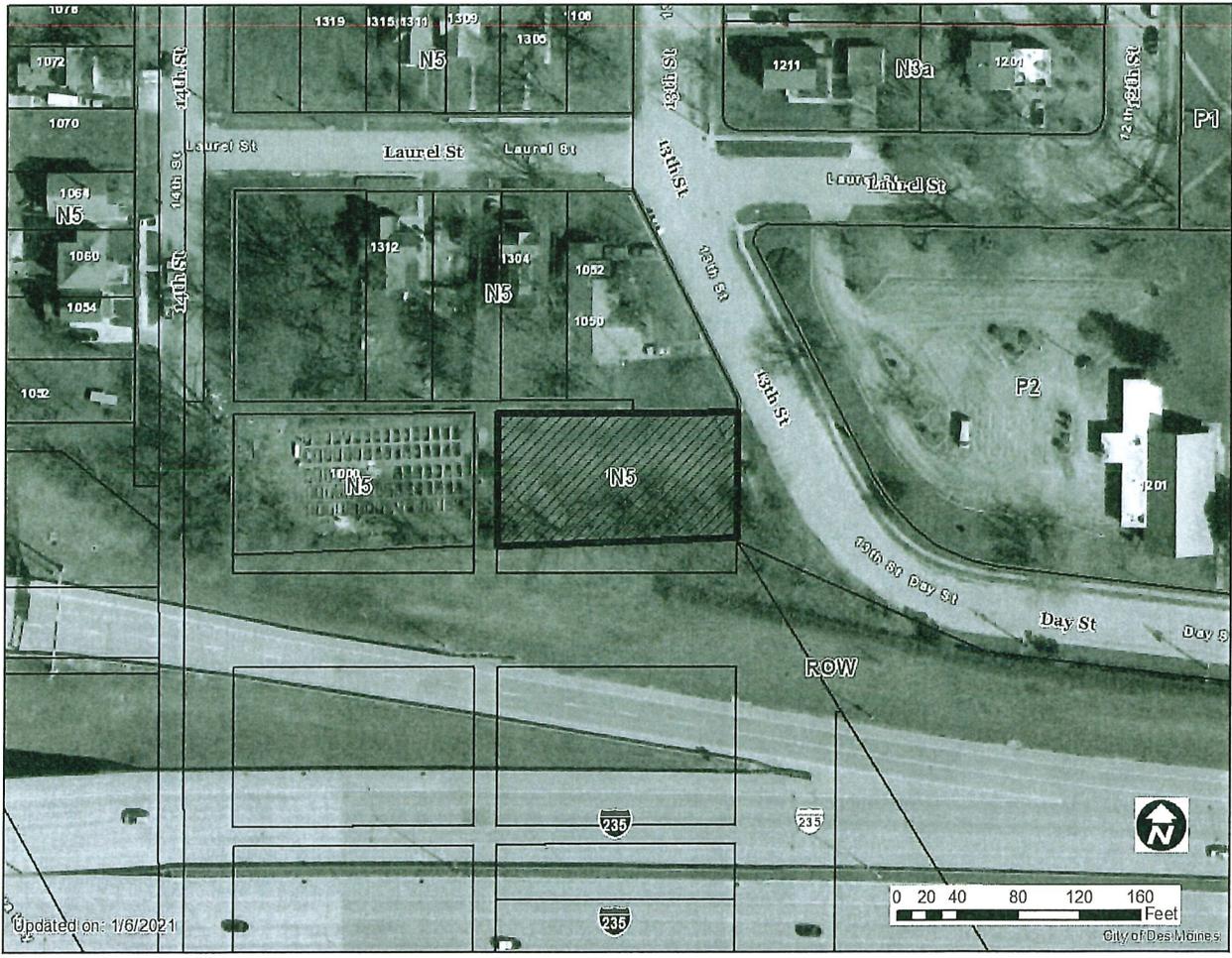
MGL:tjh

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JOPPA, LLC (owner) represented by Curtis Carlson (officer) for the property in the vicinity of 1010 13 th Street.			File #	
			21-2021-4.01	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential to Low-Medium Density Residential.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Low-Medium Density Residential.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N5" Neighborhood District.			
Proposed Zoning District	"N5-2" Neighborhood 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

JOPPA, LLC, Vicinity of 1010 13th Street

21-2021-4.01



1 inch = 81 feet

46

JOPPA, LLC (owner) represented by Curtis Carlson (officer) for the property in the vicinity of 1010 13 th Street.			File # ZON2021-00005	
Description of Action	Rezone property from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow the property to be developed with a Two-Household Living use (duplex).			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Low-Medium Density Residential.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N5" Neighborhood District.			
Proposed Zoning District	"N5-2" Neighborhood District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	2	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

JOPPA, LLC, Vicinity of 1010 13th Street

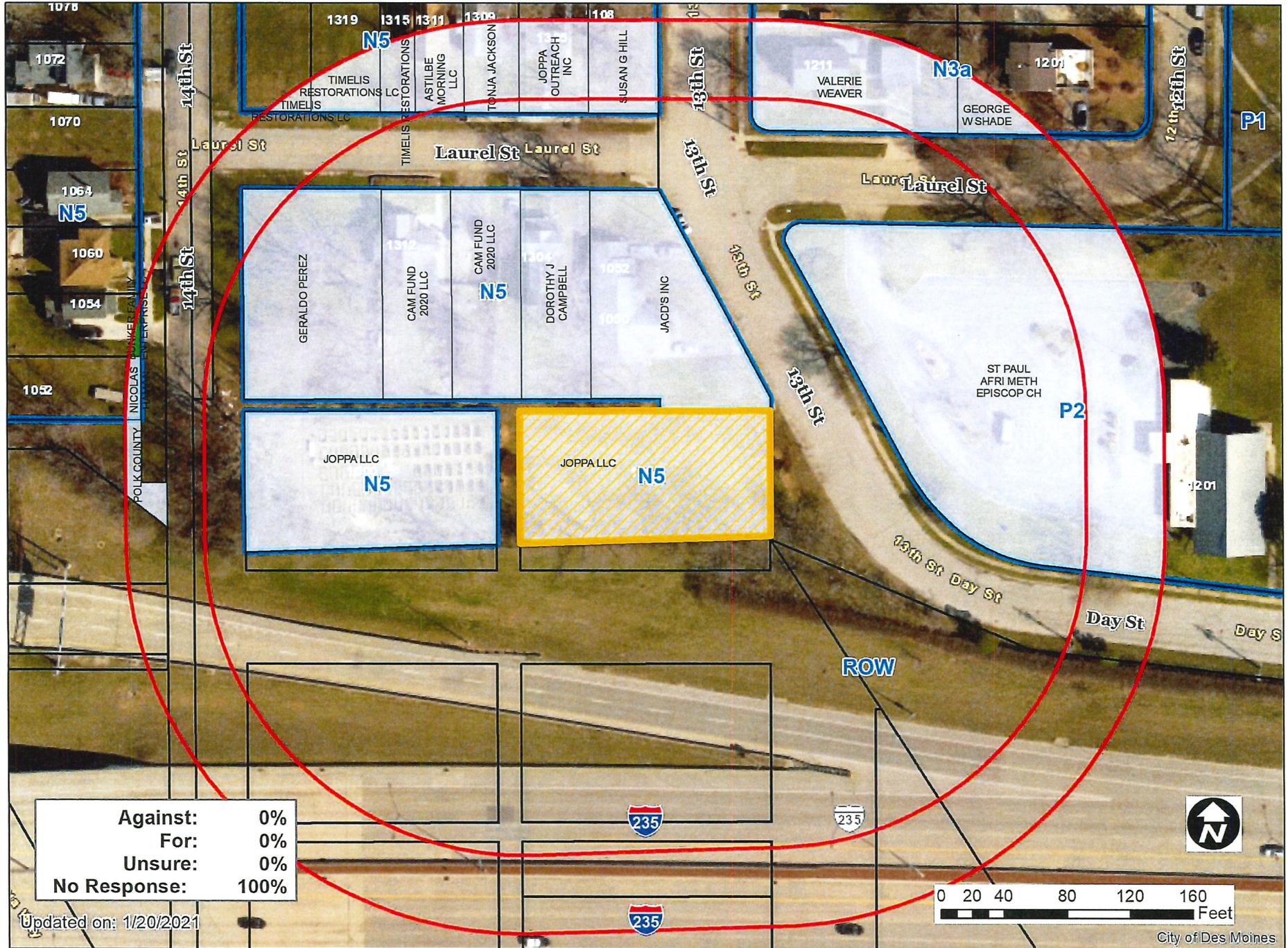
ZON2021-00005



1 inch = 81 feet

JOPPA, LLC, Vicinity of 1010 13th Street

ZON2021-00005



Updated on: 1/20/2021

1 inch = 81 feet

ZON2021-00005

Item:

Date: 1-14-21 46

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Curt Carlson

Name: Curt Carlson

Address: 2326 Euclid Ave PM 50310

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JAN 19 2021

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

ZON2021-00005

Item:

Date:

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Nancy J. Bunker

Name: Nancy J. Bunker

Address: For Bunker Fam. Ent. LC.
1911-69th W. #550324

Titleholder 1054-14th St.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JAN 19 2021

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

I do not object to construction
of a duplex @ this site.

