



Date October 18, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM ISRAEL CHAVEZ
TO REZONE PROPERTY LOCATED AT 1209 EAST 16TH STREET**

WHEREAS, on October 4, 2021, by Roll Call No. 21-1475, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Israel Chavez (Owner), to rezone real property locally known as 1209 East 16th Street (“Property”) from ‘MX-1’ Mixed Use District to ‘N3a’ Neighborhood District to allow construction of a one-household dwelling; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1475, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on October 18, 2021 at 5:00 P.M., in the Council Chambers; 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 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 1209 East 16th Street, legally described as:

LOT 65 OF WITMERS, AN OFFICIAL PLAT, NOW INCLUDED AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from ‘MX-1’ Mixed Use District to ‘N3a’ Neighborhood District, for the purpose set forth above.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to ‘N3a’ Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to ‘N3a’ 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



Roll Call Number

Agenda Item Number

49

.....
Date October 18, 2021

forth herein.

MOVED BY _____ TO APPROVE.

APPROVED AS TO FORM:

Judy K. Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000015)

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

September 28, 2021

Communication from the City Plan and Zoning Commission advising that at their September 16, 2021 meeting, the following action was taken regarding a request from Israel Chavez (owner) to rezone property located at 1209 East 16th Street from "MX1" Mix District to "N3a" Neighborhood District to allow construction of a one-household dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use.

Part B) The proposed rezoning would be in conformance with the existing PlanDSM Creating Our Tomorrow Comprehensive Plan of Neighborhood Mixed Use and any land use amendment request is moot.

Part C) Approval of the request to rezone the subject property from "MX1" Neighborhood Mix District to "N3a" Mixed Use District. (ZONG-2021-000015)

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use.

Part B) Staff determined the proposed rezoning would be in conformance with the existing PlanDSM Creating Our Tomorrow Comprehensive Plan of Neighborhood Mixed Use and any land use amendment request is moot.

Part C) Staff recommends approval of the request to rezone the subject property from "MX1" Neighborhood Mix District to "N3a" Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to rezone the subject property in order to facilitate construction of a single-household dwelling.

Any future construction or site improvements would be subject to compliance with a site plan. Staff notes that the submitted rezoning application included a house plan that would require Residential Planning Review to ensure compliance of the House Type with the proposed Zoning.

- 2. Size of Site:** The subject property is a regularly shaped parcel measuring 50-foot by 133-foot (6,650 square feet or 0.153 acres).
- 3. Existing Zoning (site):** "MX1" Mixed-Use District.
- 4. Existing Land Use (site):** The subject property consists of a vacant lot.
- 5. Adjacent Land Use and Zoning:**

North – "N3a"; Use is surface parking lot for religious assembly.

South – "MX1"; Uses are single-household residential and surface parking lot for religious assembly.

East – "MX1"; Use is religious assembly and surface parking lot.

West – "MX1"; Use is religious assembly.

- 6. General Neighborhood/Area Land Uses:** The subject property is located along the east side of East 16th Street north of the intersection with East University Avenue. The area consists of a mix of commercial, one- and two-household residential, and religious assembly uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Martin Luther King Jr. Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021 and by mailing of the Final Agenda on September 10, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the public hearing) and September 3, 2021 (10 days prior to the public hearing) 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 Martin Luther King Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Neighborhood Mixed Use.

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 "Neighborhood Mixed Use". Plan DSM describes this designation as follows:

Neighborhood Mixed Use

Small-scale mixed-use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service-oriented development. Low-medium density residential may be included in mixed use development.

The applicant is proposing to rezone the subject property from "MX1" District to "N3a" District. The Zoning Ordinance states that "MX1" District is intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods. It also states that the "N3a" District is intended to preserve the scale and character of residential neighborhoods

developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.

Based on these designations, the proposed "N3a" Mixed Use District zoning would be found in conformance with the Comprehensive Plan designation of Neighborhood Mixed Use and any land use amendment request is moot.

- 2. Planning and Design Ordinance:** Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of:

Part A) The requested rezoning be found in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use.

Part B) The proposed rezoning would be in conformance with the existing PlanDSM Creating Our Tomorrow Comprehensive Plan of Neighborhood Mixed Use and any land use amendment request is moot.

Part C) Approval of the request to rezone the subject property from "MX1" Neighborhood Mix District to "N3a" Mixed Use District.

Motion passed: 13-0

Respectfully submitted,

Bert Drost

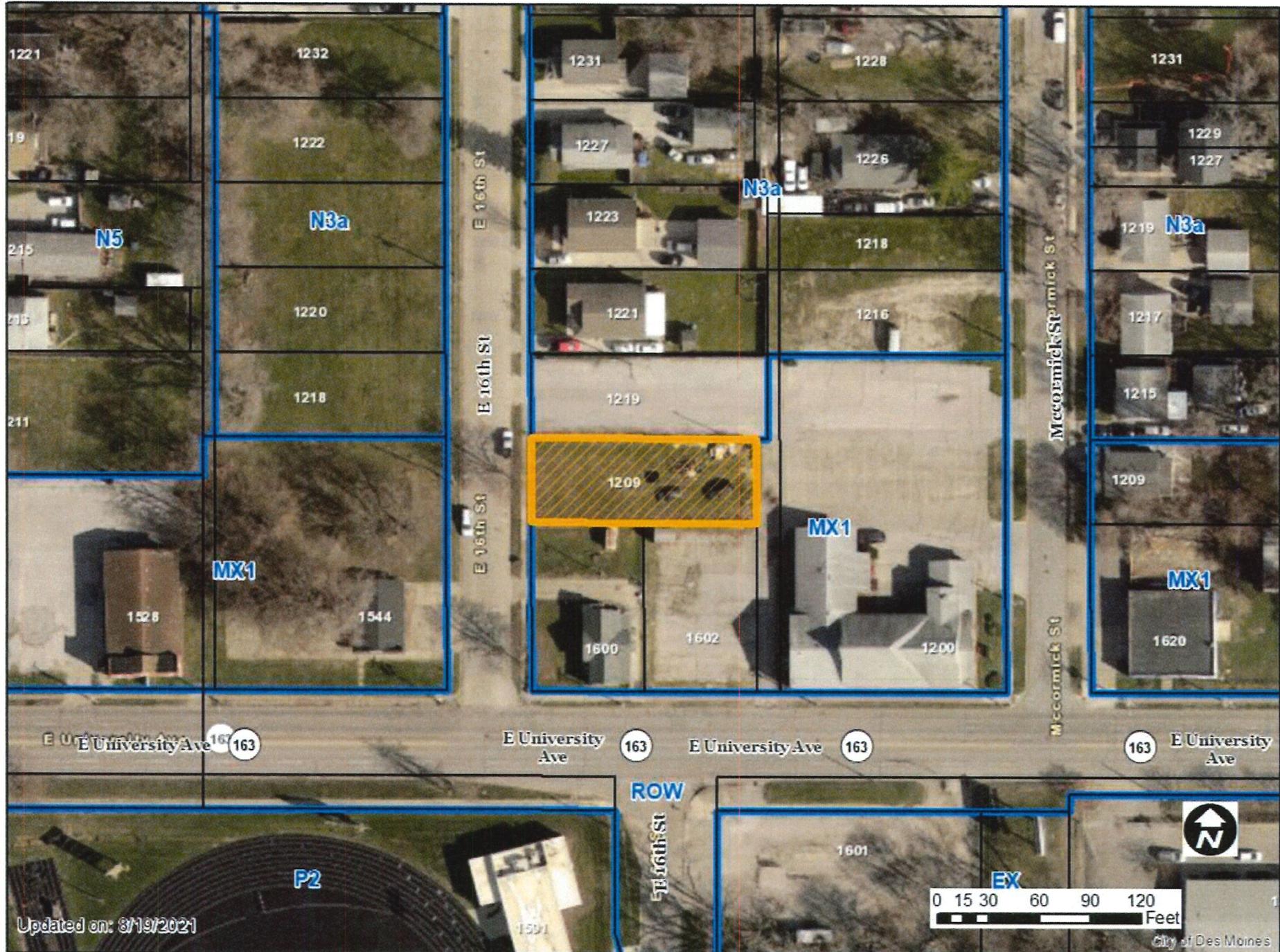
Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh

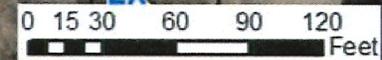
49

Israel Chavez, 1209 East 16th Street

ZONG-2021-000015



Updated on: 8/19/2021



1 inch = 75 feet

Item: ZONG-2021-000015 Date: 9-15-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 20 2021

Signature: Donell Colosimo

Name: Donell Colosimo

Address: 1215 Hutton St.

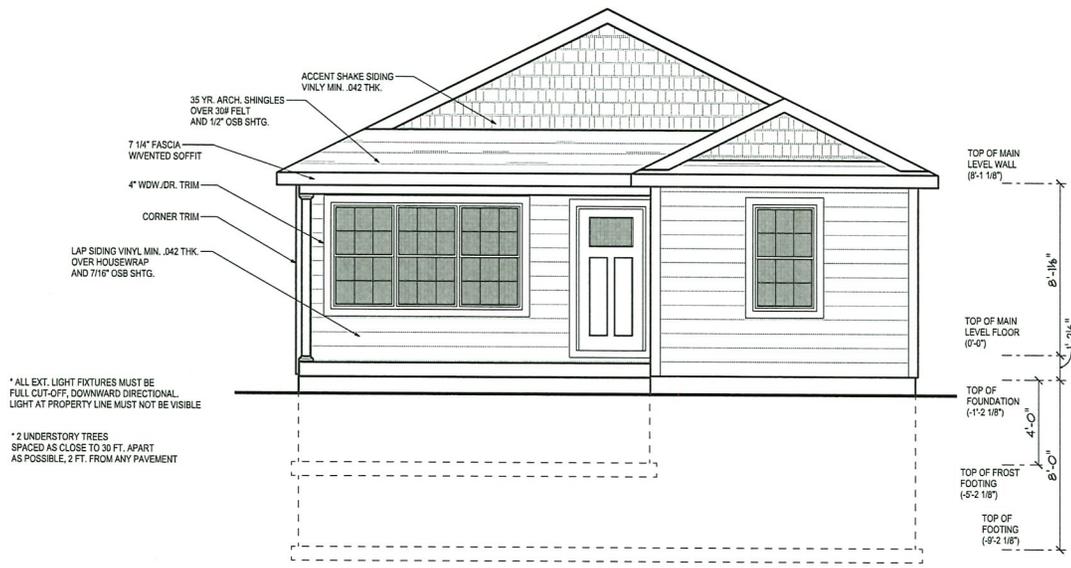
Reason for opposing or approving this request may be listed below:

Better to have a Single Family
Dwelling Than a business of
unknown traffic ect..

Neighborhood meeting notes

- Near by neighbors were glad to hear a house could be built on the property. Tired of seeing the grass overgrown and happy to see it put to good use.
- Happy to welcome a new family to the neighborhood
- Happy to watch the street/area fill up with homes instead of empty patches of grass.
- No concerns with the project and instead glad that a new family will get a new home.
- Letters were sent out on August 13th and recieved feedback from those who recieved on them on time and reached out and showed up.

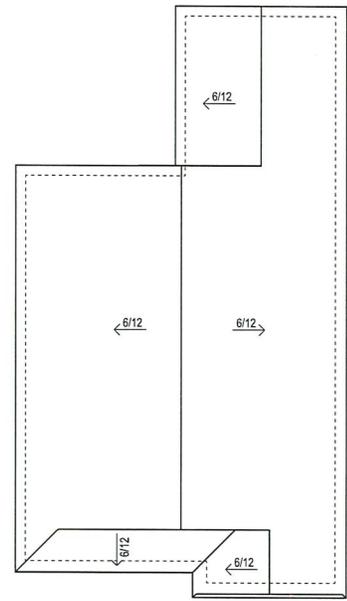
489



* ALL EXT. LIGHT FIXTURES MUST BE FULL CUT-OFF, DOWNWARD DIRECTIONAL LIGHT AT PROPERTY LINE MUST NOT BE VISIBLE

* 2 UNDERSTORY TREES SPACED AS CLOSE TO 30 FT. APART AS POSSIBLE, 2 FT. FROM ANY PAVEMENT

FRONT ELEVATION
1/4" = 1'-0"



ROOF PLAN
1/8" = 1'-0"

ALL 6/12 PITCHES HAVE AN 8" HEEL HGT.
ALL EAVE END OVERHANGS ARE 1'-0"
ALL GABLE END OVERHANGS ARE 1'-0"
ALL EYEBROW OVERHANGS ARE 1'-4"

PLEASE NOTE THAT THIS ROOF PLAN IS PROVIDED AS A REFERENCE TOOL ONLY - THE TRUSS MANUFACTURE IS RESPONSIBLE FOR PROVIDING A DETAILED TRUSS LAYOUT WITH ALL GIRDER PLACEMENT, HANGER DETAILS, ETC. - ANY QUESTIONS ARE TO BE DIRECTED TO THE TRUSS MANUFACTURE, BUILDER, AND/OR THIS DESIGNER. HOMES/OWNER HAS FINAL RESPONSIBILITY FOR ALL ASPECTS OF THIS PLAN. TRUSS MANUFACTURE TO ADJUST HEEL HEIGHTS AS NEEDED TO FLUSH OUT OVERHANGS. DO, HOWEVER, NOTE THAT SOME ADDITIONAL TRIMBOARDS MAY BE USED ON THIS DESIGN AND SHOULD NOT BE INTERFERED WITH.

- CONSTRUCTION NOTES:**
- DESIGN DRAWN IN ACCORDANCE W/ I.R.C. AND TYPICAL BUILDING PRACTICES IN CENTRAL IOWA.
 - TRUSS MFR. TO SUPPLY LAYOUT/DETAILS ON ANY/all PRODUCTS THEY ARE PROVIDING/ THOSE LAYOUTS/DETAILS WILL TAKE PRECEDENCE OVER ANY DETAILS SHOWN HERE. TRUSS DESIGN TO BE BASED ON TC LL 307C DL 10/8C DL 10 LOADING CRITERIA. DEFLECTION ON ROOF BASED OFF OF ROOF @ L/180, CEILING L/240.
 - FLOOR SYSTEM ON THIS PLAN TO BE CONSTRUCTED OF ENGINEERED I-JOISTS WITH LOADING BASED ON 40LB. LL/15LB. DL @ A L/80 DEFLECTION MINIMUM.
 - ANY I-JOIST QUESTIONS/DETAILS CAN BE REFERRED TO THIS DESIGNER OR I.J. MFR.
 - MICRO-MEMLV. BEAMS ARE SIZED AS LP-2000 P/1 SE. SERIES AT A L/60 DEFLECTION.
 - ANY/all EXTERIOR DIMENSIONS RUN TO/FROM OUTSIDE OF STUD.
 - INTERIOR DIMENSIONS RUN TO/FROM EDGE OF STUD AND CENTER OF BEAM.
 - ALL HEADERS IN 2x4 WALL TO BE DOUBLE 2x12, UNLESS NOTED OTHERWISE.
 - ALL HEADERS IN 2x6 WALL TO BE TRIPLE 2x12, UNLESS NOTED OTHERWISE.
 - PROVIDE PROPER BEARING UNDER ALL HEADERS/BEAMS/JOISTS ETC.
 - INSULATE ANY/all CANTILEVERS AND BLIND CORNERS, WALL VOIDS, ETC.
 - PROVIDE SOLID BLOCKING BEHIND ALL TOWEL BARS, HANGRAL BRKTS, CLOSET ROD SUPPORTS, CURTAIN ROD SUPPORTS, ETC.
 - WINDOW NOMENCLATURE IS FOR UNIT SIZE IN FEET (e.g. 2650 = 2'-6" x 5'-0").
 - **ALL WINDOW/DOORS TO BE CONFIRMED BY BUILDER/HOMEOWNER BEFORE ORDERING**
 - ANY ALL OPENINGS/EXTERIOR WALLS EXPOSED IN BASEMENT WILL BE DETERMINED BY THE SLOPE OF LAND AFTER EXCAVATION.
 - ANY DESIGN CHANGES TO THIS PLAN WHICH AFFECT ANY STRUCTURAL MEMBERS SHOULD BE APPROVED BY THIS DESIGNER OR A STRUCTURAL ENGINEER.
 - BUILDER/OWNER HAVE FINAL DECISIONS ON ALL ASPECTS OF PLAN.
 - ANY/all HEADERS AND BEAMS ARE DROPPED UNLESS NOTED OTHERWISE.



WE ARE NOT STRUCTURAL OR MECHANICAL ENGINEERS. WE DO NOT WARRANT OR REPRESENT ANY GUARANTEE OF THE STRUCTURAL SOUNDNESS OF THIS DRAWING. CONSULT WITH A STRUCTURAL ENGINEER.

DRAWN BY: ALARSEN

© BEISSER LAMARTE COMPANY 2014

432 LALLY STREET, DES MOINES

DATE	8-13-19
REVISED	7-10-20
	8-27-20

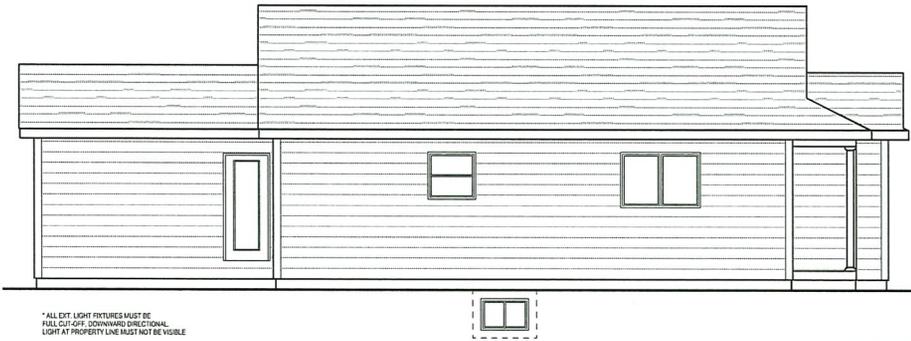
SCALE: As Noted

SHEET: A2

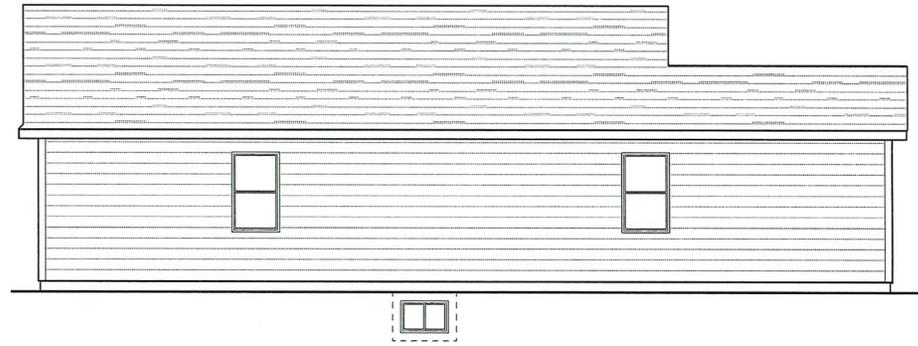
FRONT PLAN NO. 1197-20



REAR ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
3/16" = 1'-0"



RIGHT ELEVATION
3/16" = 1'-0"

*ALL EXT. LIGHT FIXTURES MUST BE
FULL CUT-OFF, DOWNWARD DIRECTIONAL.
LIGHT AT PROPERTY LINE MUST NOT BE VISIBLE

WE ARE NOT STRUCTURAL OR
ENGINEERS. WE HAVE NO
RESPONSIBILITY FOR THE
FAILURE OF THE STRUCTURE
DESIGN FOR EXISTING CONDITIONS.
PLEASE REFER THIS DRAWING TO
A LICENSED PROFESSIONAL ENGINEER.

DRAWN BY:
ALARSEN

© BEISSER LUXWOLD COMPANY 2014

432 LALLY STREET, DES MOINES

DATE
8-13-19
REVISED
7-10-20
8-27-20

SCALE:
As Noted

SHEET:

A3

REAR+SIDES

PLAN NO.
1197-20