



Date April 24, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM NOEL FERNANDEZ (OWNER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 2021 CLARK STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “N5-2” NEIGHBORHOOD DISTRICT TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR A DUPLEX USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), for the proposed rezoning from “N5” Neighborhood District to Limited “N5-2” Neighborhood District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Noel Fernandez (Owner), to rezone the Property from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the following conditions:

1. The site shall be brought into conformance with all applicable site regulations of Chapter 135 of the Municipal Code.; and
2. All off-street parking areas shall be paved.; and

WHEREAS, the Property is legally described as follows:

LOT NINE (9) AND THE WEST HALF OF LOT TEN (10) IN CASES ADDITION TO NORTH DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

WHEREAS, on April 10, 2023, by Roll Call No. 23-0482, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on April 24, 2023 at 5:00 p.m., at the City Council Chambers; and

Date April 24, 2023

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 proposals; and

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

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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Low-Medium Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "N5-2" Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000014; COMP-2023-000012)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Date April 24, 2023
 Agenda Item 49
 Roll Call # _____

April 4, 2023

Communication from the City Plan and Zoning Commission advising that at their March 23, 2023 meeting, the following action was taken regarding a request from Noel Fernandez (owner), to rezone the property located at 2021 Clark Street from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow reuse of the existing structure for a duplex use.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Dan Drendel	X				
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				

APPROVAL Part A) The requested "N5-2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District, subject to the following conditions:

1. The site shall be brought into conformance with all applicable site regulations of Chapter 135 of the Municipal Code.
2. All off-street parking areas shall be paved.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N5-2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends that PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District, subject to the following conditions:

1. The site shall be brought into conformance with all applicable site regulations of Chapter 135 of the Municipal Code.
2. All off-street parking areas shall be paved.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the land use plan and rezone the subject property to “N5-2” Neighborhood District in order to allow use of the property for a two-household building. The existing building is a one-household dwelling with two stories. The applicant is proposing to use the building for a duplex by utilizing the space on the second floor as an additional dwelling unit.

Any future construction or redevelopment of the subject property, including the addition of a dwelling unit, must comply with all applicable Building Codes and site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 0.18 acres (8,011.6 square feet).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The site currently houses a one-household building structure. The previous owner had rented the space on the second floor as a separate dwelling unit.
5. **Adjacent Land Use and Zoning:**

North – “N5”; Uses are one-household residential.

South – “N5”; Uses are one-household residential.

East – “N5”; Uses are one-household residential.

West – “N5”; Uses are one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Clark Street between MLK Jr Parkway and 21st Street. The surrounding area includes mostly one-household uses, with a few scattered two-household and small-scale multiple-household uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the March 23, 2023, public hearing by emailing of the Preliminary Agenda on March 3, 2023 and by emailing of the Final Agenda on March 17, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on March 3, 2022 (20 days prior to the public hearing) and March 13, 2023 (10 days prior to the public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All 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 Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The property is designated as Low Density Residential, which allows a maximum net density of 6 dwelling units per acre. The proposed two (2) dwelling units on a 0.18-acre parcel represents a net density of 11.1 dwelling units per acre.
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 applicant is requesting that the future land use designation for the property be amended from “Low-Medium Density Residential” to “High Density Residential”. 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.

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 subject parcel is currently zoned “N5” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.”

The applicant is proposing to rezone the parcel to the “N5-2” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story house predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code. Two households per lot are permitted by right where district includes “-2” extension.”

Staff believes that the proposed Low-Medium Density Residential designation is appropriate for this general area, given that it supports Plan DSM’s Land Use Goal #2, which is to “Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.” Furthermore, Housing Goal #2 states, “Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.”

The subject property is in a walkable neighborhood and is within a quarter mile of the Drake University Campus area. Additionally, it is located less than 300 feet away from a DART transit route that runs along MLK Jr Parkway. There is direct access to transit amenities with a bus stop just south of the intersection of Clark Street and MLK Jr Parkway.

- 2. Planning and Design Ordinance Requirements:** Any development must comply with all applicable design regulations of the City’s Planning and Design Ordinance. A minimum of two paved off-street parking spaces must be provided on the rear or on the side of the property. As per Section 135-6.12.3.B.1, for one- and two- household unit buildings in N or NX districts, the minimum driveway width must be eight feet and no more than 25% of the front yard shall be used for driveway and off-street parking purposes from a paved access. Furthermore, Section 135-2.16.3.A.9 states that the maximum impervious area in an N5 District can be no more than 50% of the lot area.
- 3. Building Code Requirements:** All improvements must be in accordance with Chapter 9 of the International Building Code and in accordance with Chapters 26 and 46 of Des Moines Municipal Code. Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jenison made a motion for:

Part A) The requested "N5-2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District, subject to the following conditions:

1. The site shall be brought into conformance with all applicable site regulations of Chapter 135 of the Municipal Code.
2. All off-street parking areas shall be paved.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 3/3/2023

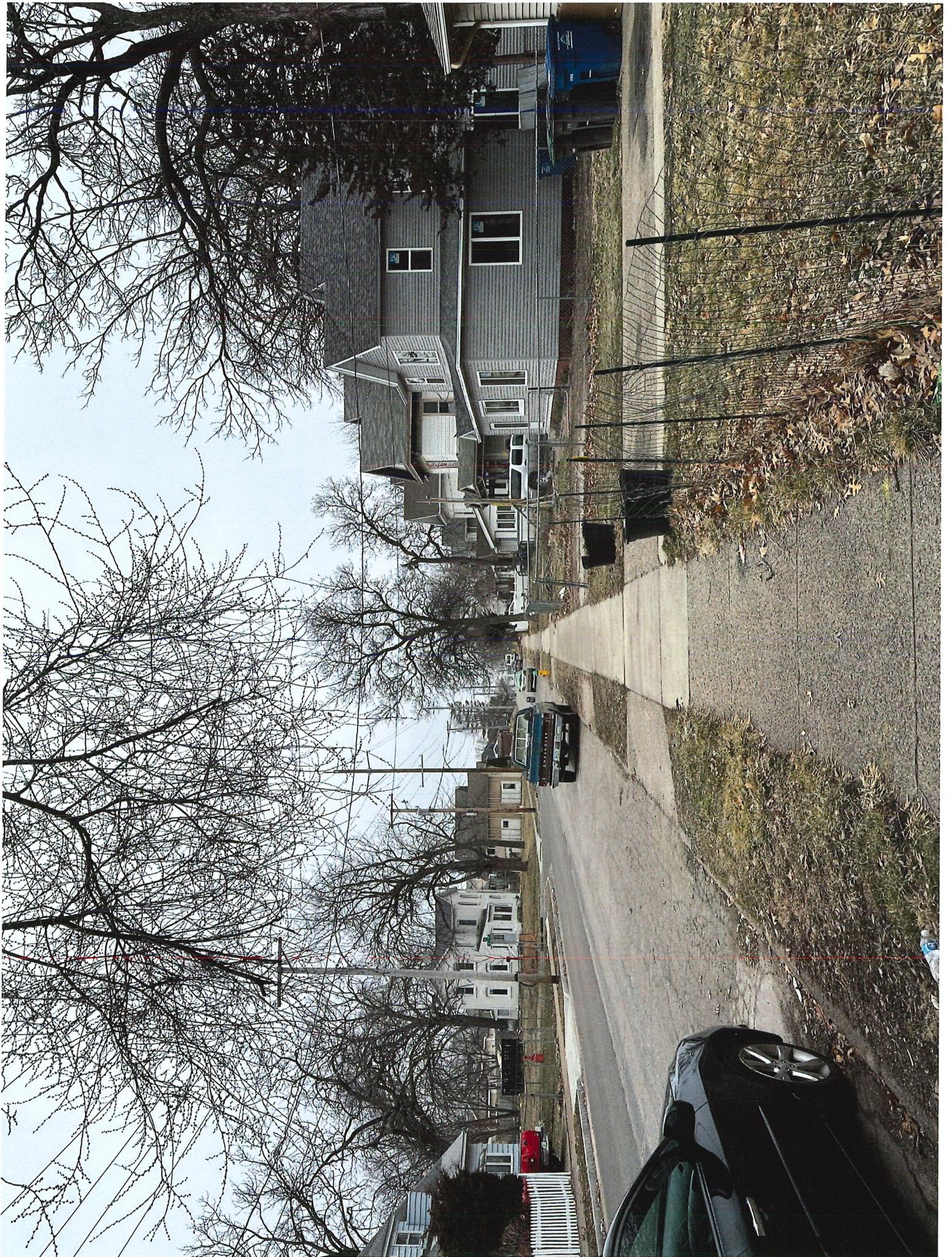
1 inch = 89 feet

6/27









Meeting Minutes for 2021 Clark St Neighborhood Meeting

MEETING DETAILS.

Date: 03/10/2023 Time: 04:00 PM

Location: 1326 Forest Ave, Des Moines, IA 50314

ATTENDEES.

Alicia Vermeer, Jane Jeffries / 1446 MLK Jr Pkwy Dsm IA 50314 515-243-4292

REPORTS.

Report #1: 2021 Clark St Floor plans
Details: a floor plan layout of each proposed units A, B

OTHER ITEMS.

Item #1: future fire station / ems service
Details: talked about construction improvements going on nearby and current state of neighborhood

Neighborhood Information Meeting

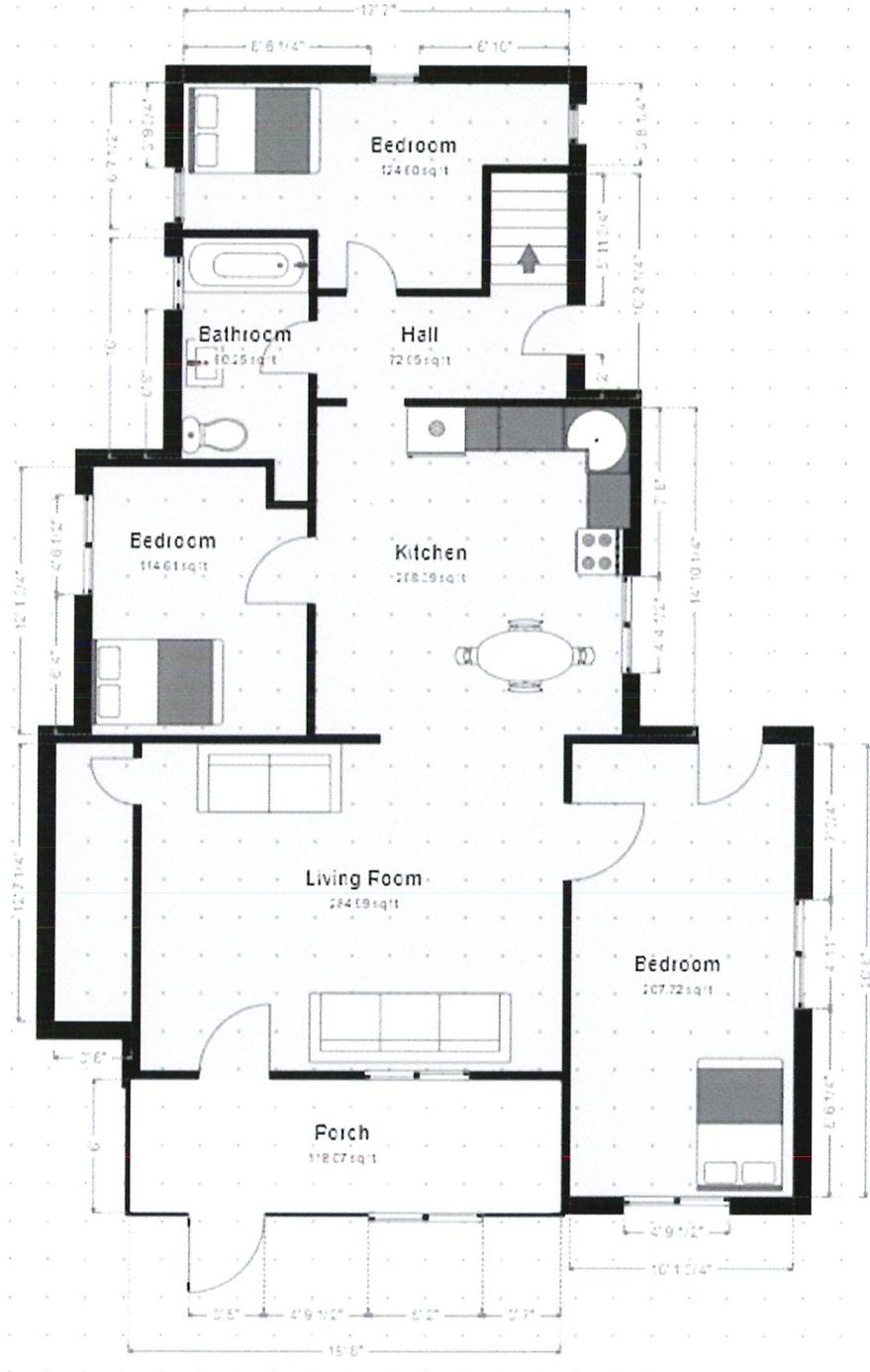
March 10, 2023

2021 Clark St, Des Moines IA 50311

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Noel Fernandez	2021 Clark St DSM IA 50311	515 974 7994
Alicia Vermeer	1446 MLKJ PKWY DSM, IA 50314	515-243-4292
Jane Jeffries	1st same ↑	same ↓

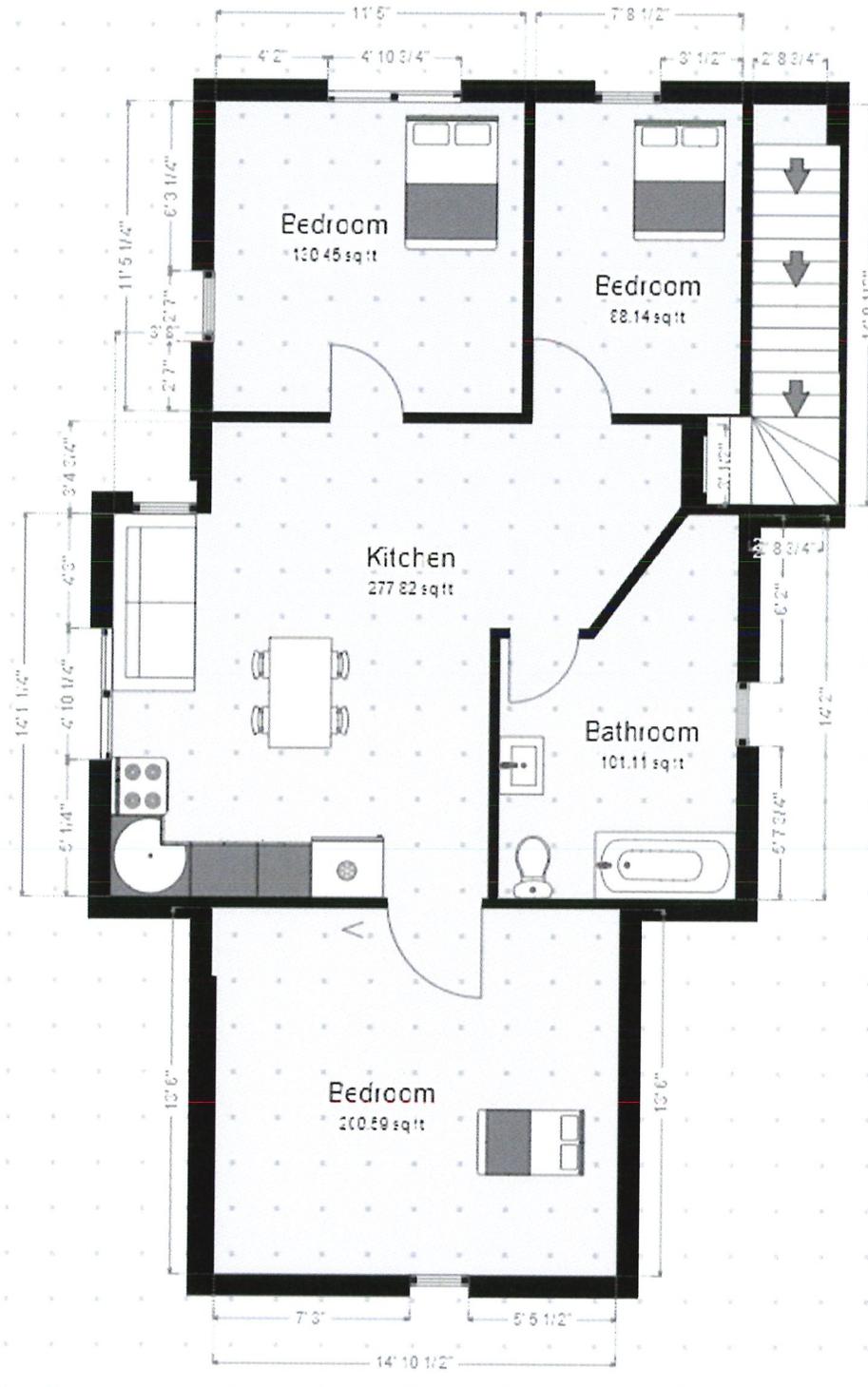
2021 Clark St Unit A, Des Moines, IA 50311

1st floor

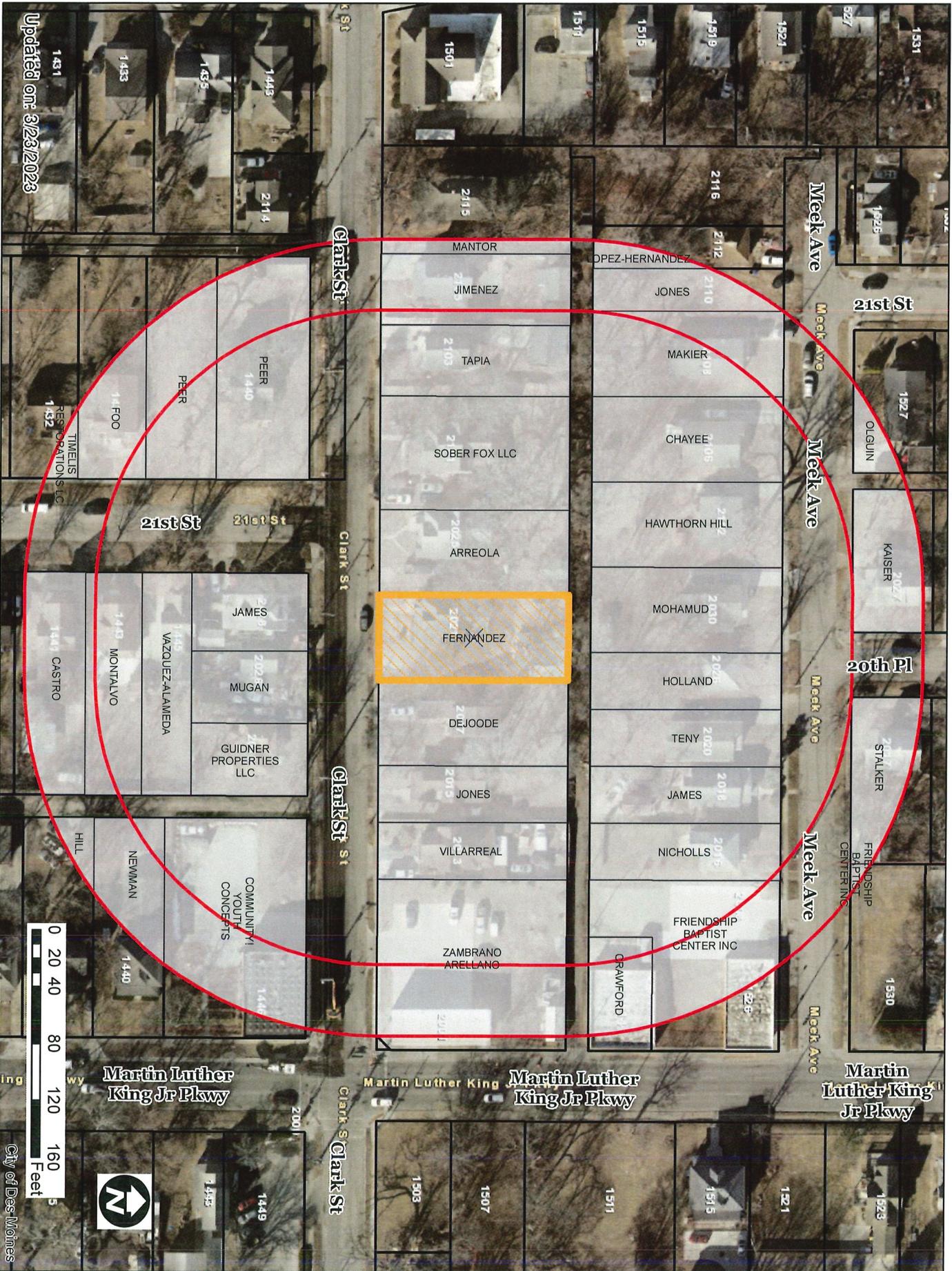


2021 Clark St Unit B, Des Moines, IA 50311

2nd floor



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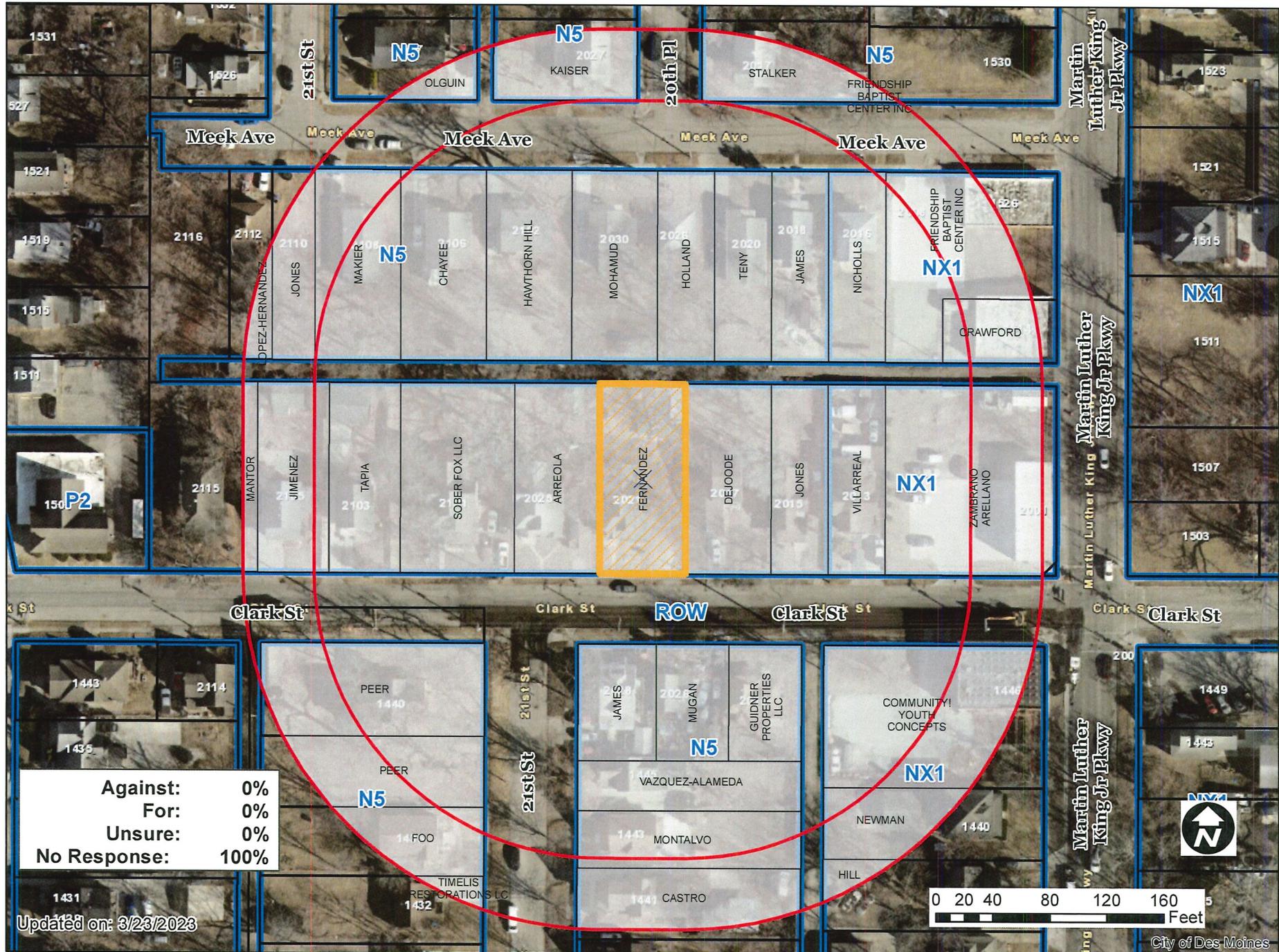


Updated on: 3/23/2023



1 inch = 89 feet

City of Des Moines





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