



Date August 21, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM SUNDRY CHURCH (OWNER), REPRESENTED BY ANTHONY J HODGES (OFFICER), FOR PROPERTY LOCATED AT 4100 6TH AVENUE AND 4112 6TH AVENUE TO REZONE THE NORTHERN 50 FEET OF THE PROPERTY FROM “P2” PUBLIC, CIVIC AND INSTITUTIONAL DISTRICT AND “N3B” NEIGHBORHOOD DISTRICT TO LIMITED “N3B” NEIGHBORHOOD DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 20, 2023, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Sundry Church (Owner) represented by Anthony J Hodges (Officer), for property located at 4100 6th Avenue and 4112 6th Avenue, to rezone the northern 50 feet of the property from “P2” Public, Civic and Institutional and “N3b” Neighborhood District to Limited “N3b” Neighborhood District, determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, and to allow the property to be subdivided and used for a one-household residential use, subject to the following conditions:

1. Any parcel containing a one-household residential use shall contain at least one (1) off-street motor vehicle parking space located outside of the front yard area.; and

WHEREAS, the Property is legally described as follows:

ALL OF LOT 105 AND THE NORTH 3 FEET OF LOT 106 OF COLLEGE PARK, AN O.P. AND THE EAST HALF OF THE VACATED ALLEY LYING WEST AND ADJACENT TO THE PARTS OF SAID LOT 105 AND 106, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on August 7, 2023, by Roll Call No. 23-1083, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on August 21, 2023, at 5:00 p.m., at the City 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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:

 **Roll Call Number**

Agenda Item Number

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Date August 21, 2023

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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, "P2" Public, Civic and Institutional and "N3b" Neighborhood District to Limited "N3b" Neighborhood District, to allow the property to be subdivided and used for a one-household residential 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-2023-000017)

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

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk

August 1, 2023

Communication from the City Plan and Zoning Commission advising that at their July 20, 2023 meeting, the following action was taken regarding a request from Sundry Church (owner), represented by Anthony J Hodges (officer) to rezone the northern 50 feet of the property located at 4100 6th Avenue from "P2" Public, Civic and Institutional District and "N3b" Neighborhood District to "N3b" Neighborhood District, to allow the property to be split and used for a single-family residential use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					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
Rick Trower	X				

APPROVAL of Part A) The requested "N3b" District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to rezone the property from "P2" Public, Civic and Institutional District and "N3b" Neighborhood District to Limited "N3b" Neighborhood District, subject to the condition that any parcel containing a one-household residential use shall contain at least one (1) off-street motor vehicle parking space located outside of the front yard area.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested "N3b" District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to rezone the property from "P2" Public, Civic and Institutional District and "N3b" Neighborhood District to Limited "N3b" Neighborhood District, subject to the condition that any parcel containing a one-household residential use shall contain at least one (1) off-street motor vehicle parking space located outside of the front yard area.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the northern fifty (50) feet of the existing parcel to "N3b" Neighborhood District, which contains a one-household residential use. This would allow the existing house on the northern portion of the subject property to be subdivided from the church parcel and sold to a separate entity, as it would no longer be considered accessory to the Church use.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 0.16 acres (6,896 square feet).
3. **Existing Zoning (site):** The majority of the site is zoned "P2" Public, Civic and Institutional District. However, the westernmost 8 feet (former alley right-of-way) is zoned "N3b" Neighborhood District.
4. **Existing Land Use (site):** The site consists of a one-household residential dwelling unit, which is accessory to the Church use to the south.
5. **Adjacent Land Use and Zoning:**
 - North** – "N3b"; Use is one-household residential.
 - South** – "P2"; Use is a church.
 - East** – "N3b"; Use is one-household residential.
 - West** – "N3b"; Use is one-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located northwest of the intersection of Shawnee Avenue and 6th Avenue. The surrounding area is predominantly residential and consists of one-household residential dwelling units.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Oak Park Neighborhood Association and within 250 feet of the Highland Park Neighborhood Association. All neighborhood associations were notified of the July 20, 2023, public hearing by emailing the Preliminary Agenda on June 30, 2023, and the Final Agenda

on July 14, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 30, 2023 (20 days prior to the public hearing) and July 10, 2023 (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 notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Oak Park Neighborhood mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313. The Highland Park Neighborhood mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

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: 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 has a future land use designation of "Low Density Residential". PlanDSM describes the designation as follows:

Low-Medium Density Residential: Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

The subject parcel is currently zoned "P2" District. The Zoning Ordinance describes this district as, "intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites."

The applicant is proposing to rezone the parcel to the "N3b" District. The Zoning Ordinance describes the "N3b" District as, "intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code or House C in Section 135-2.15 of this code."

Staff believes the proposed rezoning is in conformance with the existing land use designation. The subject property is located in an area that is primarily low density residential. The existing Low Density Residential designation would allow a maximum density of 6 units per acre. The applicant is proposing to use the site for a one-family residential use.

2. **Urban Design:** If rezoned to "N3b" District, any future one-household residential use would need to be in accordance with the House B or House C building types.
3. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to bring the site and the building into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.
4. **Off-Street Parking:** The existing Church use to the south of the subject property has an off-street surface parking lot to the southeast of Shawnee Avenue and 6th Avenue intersection. As the northern portion of the church property is rezoned and subdivided to a separate residential lot, off-street parking must be provided in accordance with the minimum ratios established in Table 135-6.4-1. This would require the one-household use to provide at least one (1) off-street motor vehicle parking space located outside of the front yard area.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Justyn Lewis made a motion for:

Part A) The requested "N3b" District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to rezone the property from "P2" Public, Civic and Institutional District and "N3b" Neighborhood District to Limited "N3b" Neighborhood District, subject to the condition that any parcel containing a one-household residential use shall contain at least one (1) off-street motor vehicle parking space located outside of the front yard area.

Motion passed: 9-0

Respectfully submitted,



Bert Drost, AICP
Deputy Planning Administrator

BAD:tjh



1 inch = 74 feet





From: [Alex Bradfield](#)
To: [Chakraborty, Sreyoshi](#)
Subject: [EXTERNAL]Summary of the Meeting
Date: Thursday, July 20, 2023 1:13:32 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi,

Wally held the meeting at the office, it had two attendees.

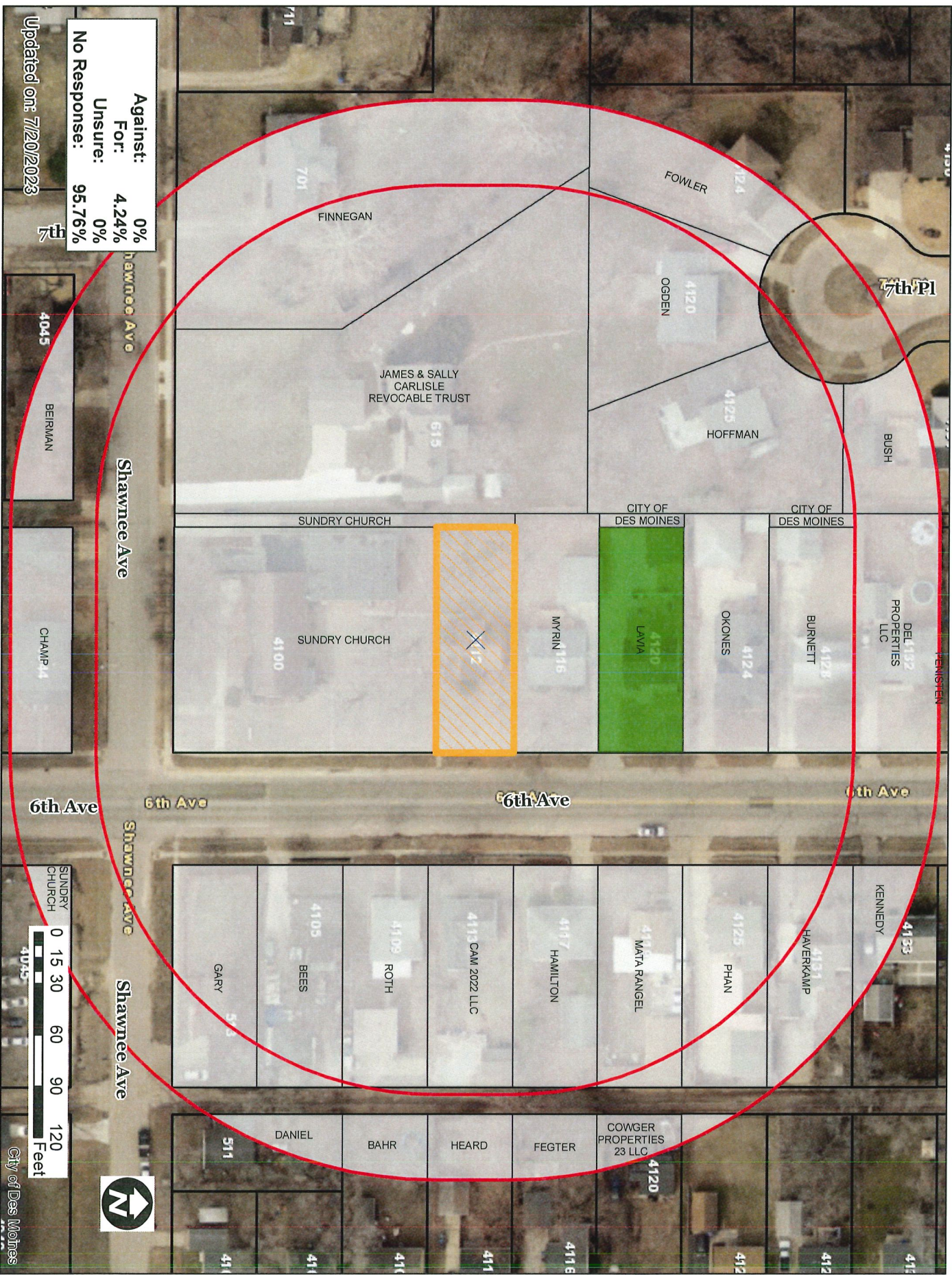
They thought it was a great idea, they spoke highly of the previous renter; a single mother.

He also spoke to the neighbor to the west and they were also very supportive.

ALEX BRADFIELD
Engineering CAD Technician I



PELDS DESIGN SERVICES
Architecture | Engineering | Surveying
2323 Dixon Street | Des Moines, IA | 50316
O: 515 | 265 | 8196 P: 515 | 777 | 1366



Updated on: 7/20/2023

1 inch = 74 feet

City of Des Moines

ZONG-2023-000017

Item:

Date:

7/11/23

34

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 17 2023

Titleholder Signature:

[Signature]

Name/Business:

Shen Rosen

Impacted Address:

1204 oak park Ave DSM 50313

Comments:

ZONG-2023-000017

Item:

Date:

07-11-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 17 2023

Titleholder Signature:

Cynthia G. LaVie

Name/Business:

Impacted Address:

4120-6th Avenue D.M., Ia.

Comments:



1 inch = 74 feet