



Date March 18, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM STAMORENO, LLP (OWNER), REPRESENTED BY ANTHONIUS M. STAM (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 2505 EAST 40TH STREET (GEO PARCEL # 792328355007)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024, its members voted 14-0 in support of a motion finding the requested rezoning for Property located at 2505 East 40th Street (Geo Parcel # 792328355007) is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2024 its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 2505 East 40th Street (Geo Parcel # 792328355007) from Low Density Residential to Low-Medium Density Residential; to rezone the Property from “N3a” Neighborhood District to “N3a-2” Neighborhood District, to allow the development of the property for two-household (duplex) units, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

NORTH HALF OF LOT 245 AND ALL OF LOT 246 IN FOUR MILE, 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 amendment to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are 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 April 1, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
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.



Roll Call Number

Agenda Item Number

21

Date March 18, 2024

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000004) (COMP-2024-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
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

March 12, 2024

Communication from the City Plan and Zoning Commission advising that at their March 7, 2024 meeting, the following action was taken for request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), for the following regarding property located at 2505 East 40th Street (Geo Parcel 792328355007):

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to Low-Medium Density Residential.
- C) Rezone property from “N3a” Neighborhood District to “N3a-2” Neighborhood District, to allow the development of the property for two-household (duplex) units.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	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 “N3a-2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan 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 “N3a” Neighborhood District to “N3a-2” Neighborhood District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N3a-2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan 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 “N3a” Neighborhood District to “N3a-2” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to construct a new two-household dwelling on the property which requires rezoning the subject property from “N3a” Neighborhood District to “N3a-2” Neighborhood District.
- 2. Size of Site:** 9,450 square feet (0.217 acres).
- 3. Existing Zoning (site):** “N3a” Neighborhood District.
- 4. Existing Land Use (site):** The subject property is vacant.
- 5. Adjacent Land Use and Zoning:**
 - North** – “N3a”; Uses are one-household residential.
 - South** – “N3a”; Uses are one-household residential.
 - East** – “N3a”; Uses are one-household residential.
 - West** – “N3a”; Uses are one-household residential.
- 6. General Neighborhood/Area Land Uses:** The subject property is located on the east side of East 40th Street about midway between East Sheridan Avenue and Easton Boulevard. The surrounding area is predominantly one-household uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Sheridan Gardens Neighborhood Association. All neighborhood associations were

notified of the public hearing by emailing of the Preliminary Agenda on February 16, 2024 and of the Final Agenda on March 1, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on February 16, 2024 (20 days prior to the public hearing) and February 26, 2024 (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 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 Sheridan Gardens Neighborhood mailings were sent to Tori Shanks.

The applicant can 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 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 applicant is requesting that the future land use designation of the property be amended from “Low Density Residential” to “Low-Medium Density Residential”. PlanDSM 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 “N3a” District. The Zoning Ordinance describes this district as, “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.”

The applicant is proposing to rezone the parcel to the “N3a-2” District. The Zoning Ordinance describes this district extension as, “For N districts locations labeled with a

“-2” extension, the maximum number of household units permitted per lot is two, pursuant to section 134-3.1.2 of this chapter. Refer to the building type regulations in Article 2 of chapter 135 of this code for the permitted building types and configuration of the units within the building type.”

The subject property is located in a predominantly residential neighborhood. It is located 0.15-mile from a DART transit route. Staff believes the use of the property for a two-household dwelling supports PlanDSM’s Housing Objective #1 which states, “Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.” and Housing Objective #17 which states, “Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.”

- 2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review and approval before the property can be occupied by the proposed use. This Site Plan will ensure that all requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied.

Once the applicant submits a formal Site Plan, staff would conduct a full review. A quick analysis of the rezoning concept illustration provided by the applicant has identified a few elements that do not conform to Chapter 135 and may require Type 2 Design Alternatives from the Plan and Zoning Commission. These may include, but are not limited to, the following possible Design Alternatives:

- waiver of two stories minimum height requirement.
- reduction of minimum lot width requirement for a 2-unit dwelling.
- expansion of parking within principal building.
- reduction of required occupied space.
- expansion of maximum building coverage; and,
- reduction of minimum rear setback and/or minimum front setback/averaging.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Will Page asked if a super majority would be required by City Council due to the opposition comment cards.

Sreyoshi Chakraborty stated that the percentage of opposition was 12% and the trigger for the super majority vote requirement is 20%.

CHAIRPERSON OPENED THE PUBLIC HEARING

Thon Stam stated their goal was to provide high quality affordable housing. He stated his neighborhood meeting included all the adjoining properties to the lot and they were all in support. He did change the proposed design although they haven't finalized a plan until they get approval on the duplex.

Chris Draper asked if the new plan provided would include garages.

Thon Stam stated they would try if there were room for it, but it is yet to be determined.

Abby Chungath asked what the price point for the rental units will be or if they will be sold. Also, where does this fit in on value with the rest of the area.

Thon Stam stated it is yet to be determined, but likely rentals for the \$1200-\$1500 range. He has a staff member that might want to buy it and rent out the other unit. It's all still to be determined. He believed the home would fit in with the top quarter of the neighborhood.

Johnny Alcivar commented that he hoped they would keep as much of the current mature trees in the area as possible.

Thon Stam stated they would do their best to preserve them and intend to do a lot of nice landscaping as they have done on their other properties.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Francis Boggus made the motion for approval of the following:

Part A) The requested "N3a-2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan 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 "N3a" Neighborhood District to "N3a-2" Neighborhood District.

THE VOTE 14-0-0

Respectfully submitted,

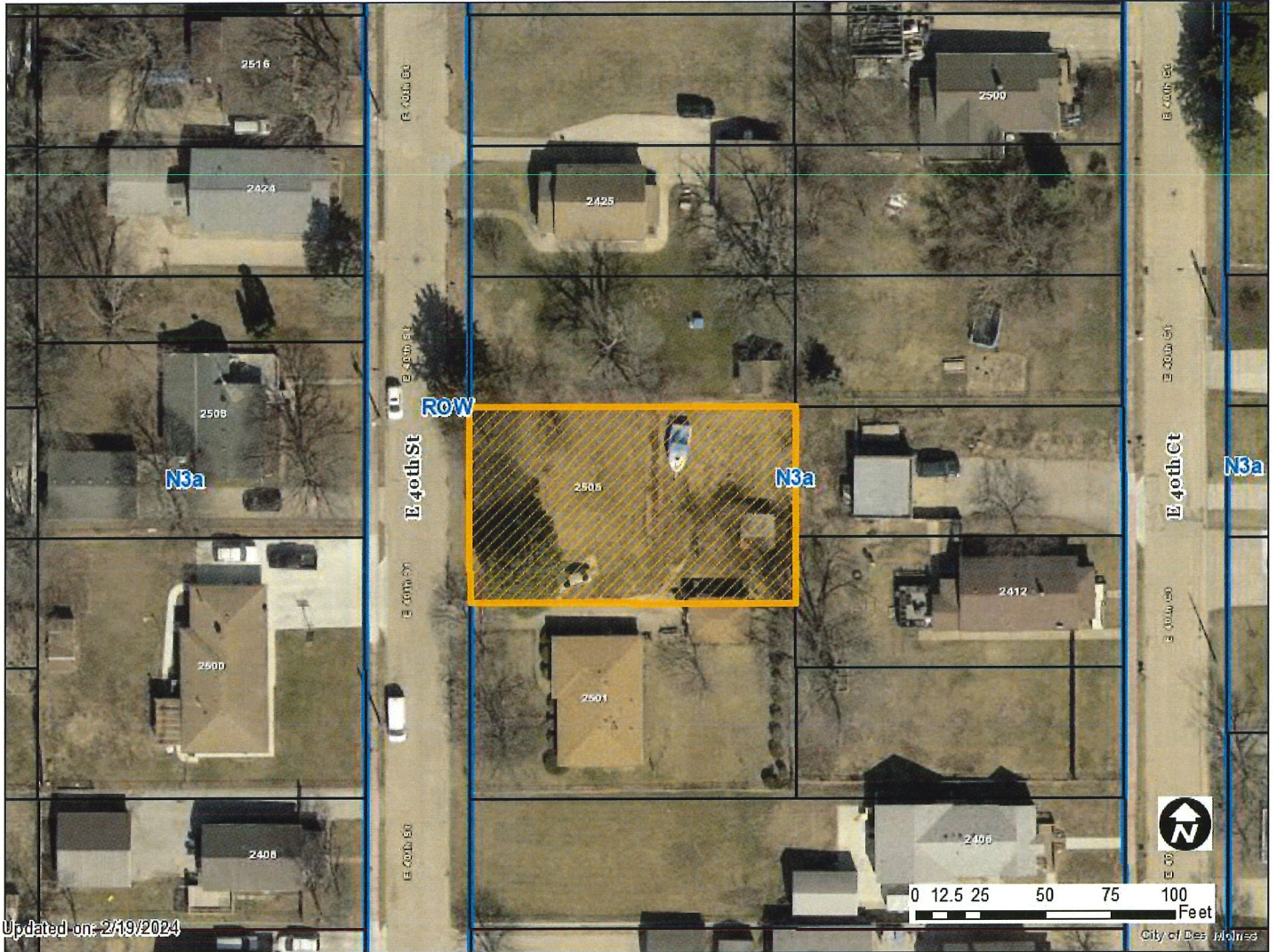


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

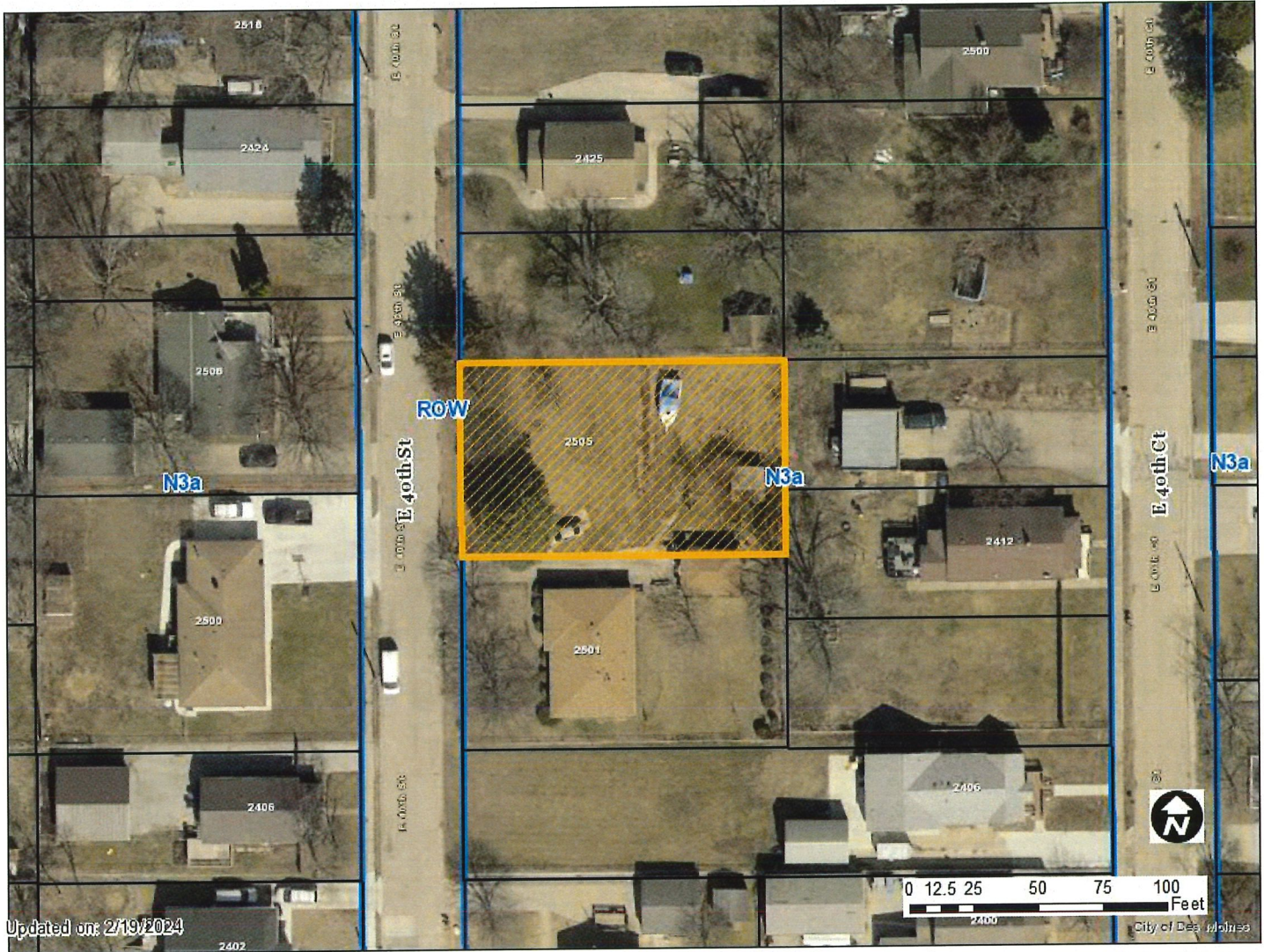
Stamoreno, LLP, 2505 East 40th Street

COMP-2024-000005



Updated on: 2/19/2024

1 inch = 49 feet



1 inch = 49 feet

Network Feb 27, 2024 at 3:07:45 PM CST
Local Feb 27, 2024 at 3:07:45 PM CST
N 41° 37' 3.375", W 93° 32' 15.376"
2508 E 40th St
Des Moines IA 50317
United States





plan 80887

familyhomeplans.com 800-482-0464

REAR PORCH 17-6 x 6-8
28'-4" CLG.

BEDROOM 3 11-0 x 11-0
8' CLG.

M. BEDROOM 13-8 x 12-4
8' CLG.

BEDROOM 2 11-0 x 11-0
8' CLG.

KITCHEN / DINING 14-10 x 11-0
9' CLG.

LIVING ROOM 14-10 x 15-4
9' CLG.

FRONT PORCH 15-2 x 5-0
28'-4" CLG.

GARAGE 13-8 x 22-6
28'-4" CLG.

REAR PORCH 17-6 x 6-8
28'-4" CLG.

BEDROOM 3 11-0 x 11-0
8' CLG.

M. BEDROOM 13-8 x 12-4
8' CLG.

BEDROOM 2 11-0 x 11-0
8' CLG.

KITCHEN / DINING 14-10 x 11-0
9' CLG.

LIVING ROOM 14-10 x 15-4
9' CLG.

FRONT PORCH 15-2 x 5-0
28'-4" CLG.

GARAGE 13-8 x 22-6
28'-4" CLG.

2496
square
feet

6 beds
4 baths
59' wide
62' deep

Multi-Family Duplex Plan 80887 specifications are listed as totals for both units.



Neighborhood Meeting regarding rezoning

Thursday 3/22/2024

Location: 2814 Ingersoll Avenue

Attendees: beside Javier Moreno and Ton Stam (owners), see attached list.

Meeting was started by Ton Stam discussing the how and why of the building plans that StaMoreno has for the site. Explaining we want to built a quality duplex that will fit in and enhance the neighborhood.

Several attendees were very interested with several questions.

Carol, next door, wanted to make sure her newly planted bushes would stay in place. (they will)

A group discussion started regarding the 'fear' that this would be section 8 housing. We clearly explained that would not be the case.

Other issues raised;

-width of the building; explained that there were legal setbacks.

-size of the building; explained we were anticipating 1000-1200 square foot per side

-Height of the building; explained that current ideas would not go over 1 store with maybe a roof and some room in that but no full second story.

By the end of the meeting, it appeared that al neighbors were happy with the explanations received and with the fact that we would do quality work.

Neighbors that attended meeting

Name	StreetAddress	CityStateZip
CARMELLA R SANKEY	2501 E 40TH CT	DES MOINES IA 50317
CAROL LAIRD	2425 E 40TH ST	DES MOINES IA 50317
Guest: ANDREW		
JORGE RAMIREZ-YLLESCAS	2501 E 40TH ST	DES MOINES IA 50317
Guest: WIFE AND OTHER FAMILY		

Item: ZONG-2024-000004

Date: FEBRUARY 29, 2024

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAR 4 2024

Titleholder Signature: Billy P Van Gundy

Name/Business: Billy P Van Gundy

Impacted Address: 2520 E 40th Street

Comments: This is and has been a quiet neighborhood, that has all single family dwellings. There is no need for more duplexes in this area. With rentals comes increased noise and below average upkeep on property. Investors and builders come into our neighborhood only for the money they come in & then out.

Item: ZONG-2024-000004

Date: 2/28/24

Please mark one of the following:

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



Titleholder Signature: Sandra Cashatt

Name/Business: _____

Impacted Address: 2421 E 39TH CT

Comments: We have too many rental
properties in neighborhood.

Item: ZONG-2024-000004

Date: 2-29-24

Please mark one of the following:

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

RECEIVED
Staff Use Only
COMMUNITY DEVELOPMENT
MAR 4 2024

Titleholder Signature: Joanna L. Villalpando

Name/Business: Joanna L. Villalpando

Impacted Address: 2524 EAST 40th Street

Comments: OVER CROWDING, CRIMINAL
ELEMENTS INCREASED

Item: ZONG-2024-000004

Date: 03-02-24

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 4 2024

Titleholder Signature: [Signature]

Name/Business: _____

Impacted Address: 2406 E 40TH ST

Comments: I LIKE THE AREA QUIET AS
IT IS, ADDING BUILT WILL BRING
CHAOS.

IF I HAVE THE CHOICE I PREFER STAY
AWAY FROM BUILDING AND CITY CHAOS.

Item: ZONG-2024-000004

Date: March 1, 2024

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 4 2024

Titleholder Signature: Roxanne Formaro

Name/Business: Roxanne + Dominic Formaro

Impacted Address: 2350 E 40th Ct.

Comments: Area is predominantly owner occupied single family dwellings. Street parking is limited.
Duplex will devalue entire neighbor property values.
Please maintain current zoning without any variances.

Item: ZONG-2024-000004

Date: 3-2-2024

Please mark one of the following:

I support the request

I am undecided

I oppose the request

RECEIVED
Staff Use Only
COMMUNITY DEVELOPMENT

MAR 4 2024

Titleholder Signature: Marilyn Rollins

Name/Business: _____

Impacted Address: 2409 E. 40th STREET

Comments: _____

- Impact - Limited STREET USE

AND:
LOWER PROPERTY VALUES

Item: ZONG-2024-000004

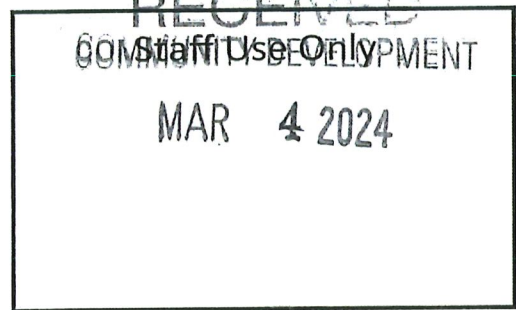
Date: 3-2-2024

Please mark one of the following:

I support the request

I am undecided

I oppose the request



Titleholder Signature: Jordan Formaro

Name/Business: Jordan Formaro

Impacted Address: 2400 E. 40th Ct, Des Moines, IA 50317

Comments: _____

Item: ZONG-2024-000004

Date: 3/2/24

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 4 2024

Titleholder Signature: *Theresa Livingston*

Name/Business: N/A

Impacted Address: _____

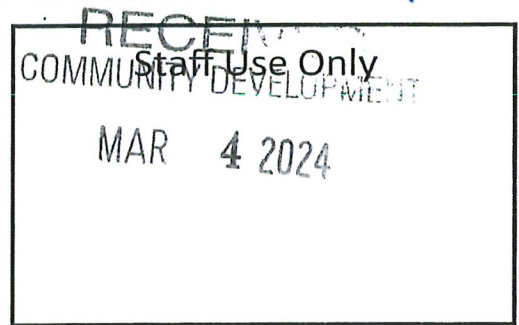
Comments: _____

Item: ZONG-2024-000004

Date: 2-29-2024

Please mark one of the following:

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



Titleholder Signature: Shan Belonger

Name/Business: _____

Impacted Address: _____

Comments: _____

Item: ZONG-2024-000004

Date: 3-7-24

RECEIVED

Please mark one of the following:

I support the request

I am undecided

I oppose the request

COMMUNITY DEVELOPMENT
Staff Use Only

MAR 11 2024

Titleholder Signature: Carol Laird Clair

Name/Business: _____

Impacted Address: 2425 E 40th St

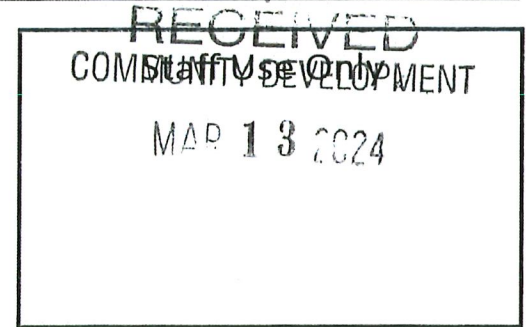
Comments: unsure as to the impact
on the neighborhood

Item: ZONG-2024-000004

Date: 3-4-24

Please mark one of the following:

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



Titleholder Signature: Michelle Heanon

Name/Business: _____

Impacted Address: 2355 E 40th CA

Comments: Sorry - prefer single family homes
in this established neighborhood.
(mortgaged)



Updated on: 2/19/2024

1 inch = 49 feet