



Date ..... April 1, 2024 .....

**RESOLUTION DISMISSING 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 to recommend **APPROVAL** of a request from Stamoreno, LLP (owner), represented by Anthonius M. Stam (officer), for the proposed rezoning for Property located at from “N3a” Neighborhood District to “N3a-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 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), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further 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 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

**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.; and**

**WHEREAS**, on March 18, 2024, by Roll Call No. 24-0414, 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 1, 2024, 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**, thereafter Stamoreno, LLP requested to withdraw its application for the proposed rezoning and PlanDSM: Creating Our Tomorrow future land use designation amendment.

Date April 1, 2024

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposals for the Property located at 2505 East 40th Street (Geo Parcel # 792328355007), including the rezoning from “N3a” Neighborhood District to “N3a-2” Neighborhood District and PlanDSM: Creating Our Tomorrow future land use designation amendment from Low Density Residential to Low-Medium Density Residential, are hereby dismissed, and the matter of the proposed rezoning and PlanDSM: Creating Our Tomorrow future land use designation amendment are withdrawn from City Council consideration.

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				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

Date April 1, 2024

Agenda Item 41

Roll Call # \_\_\_\_\_

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 40<sup>th</sup> 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 40<sup>th</sup> 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,

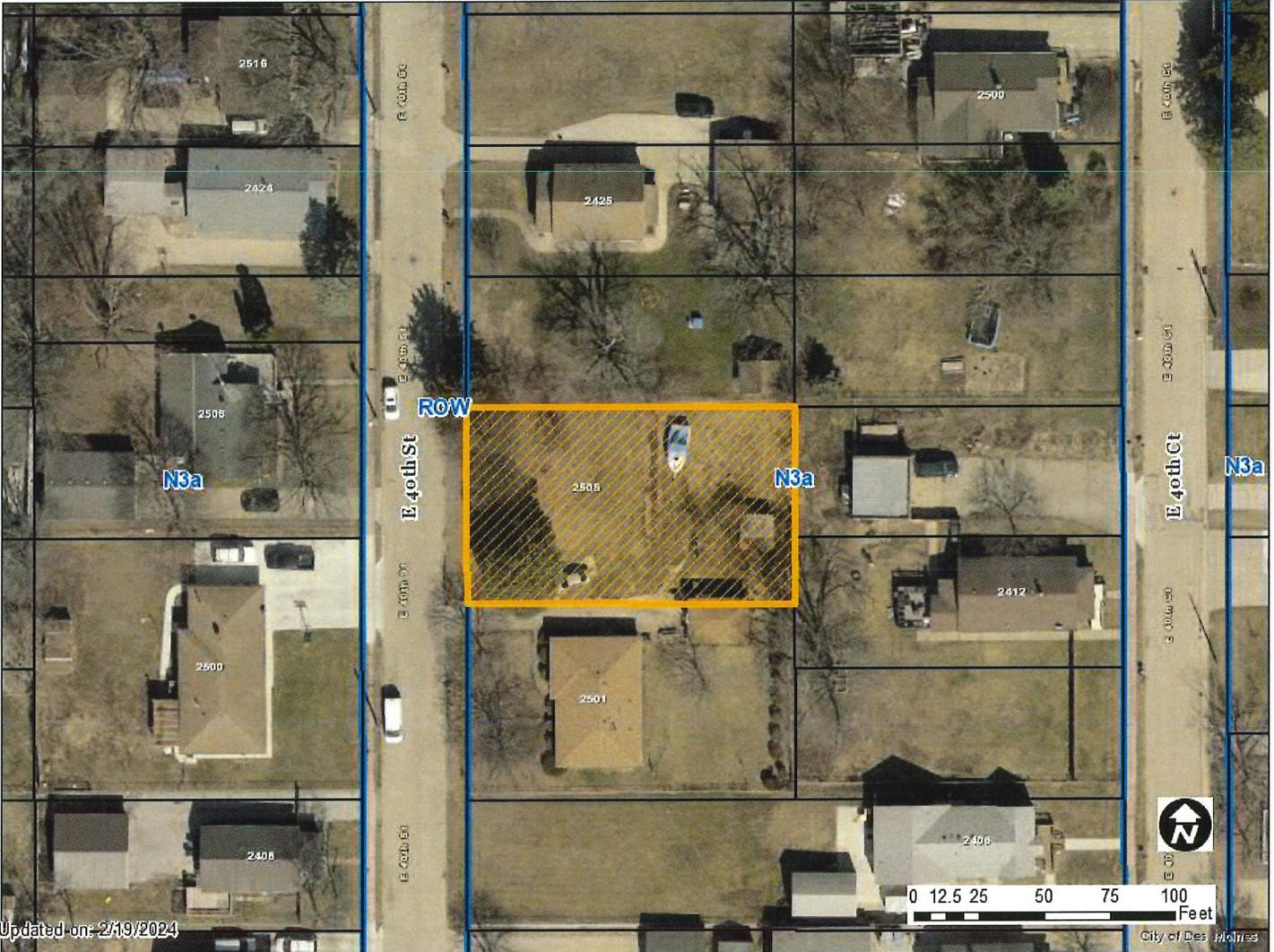


Jason Van Essen, AICP  
Planning & Urban Design Administrator

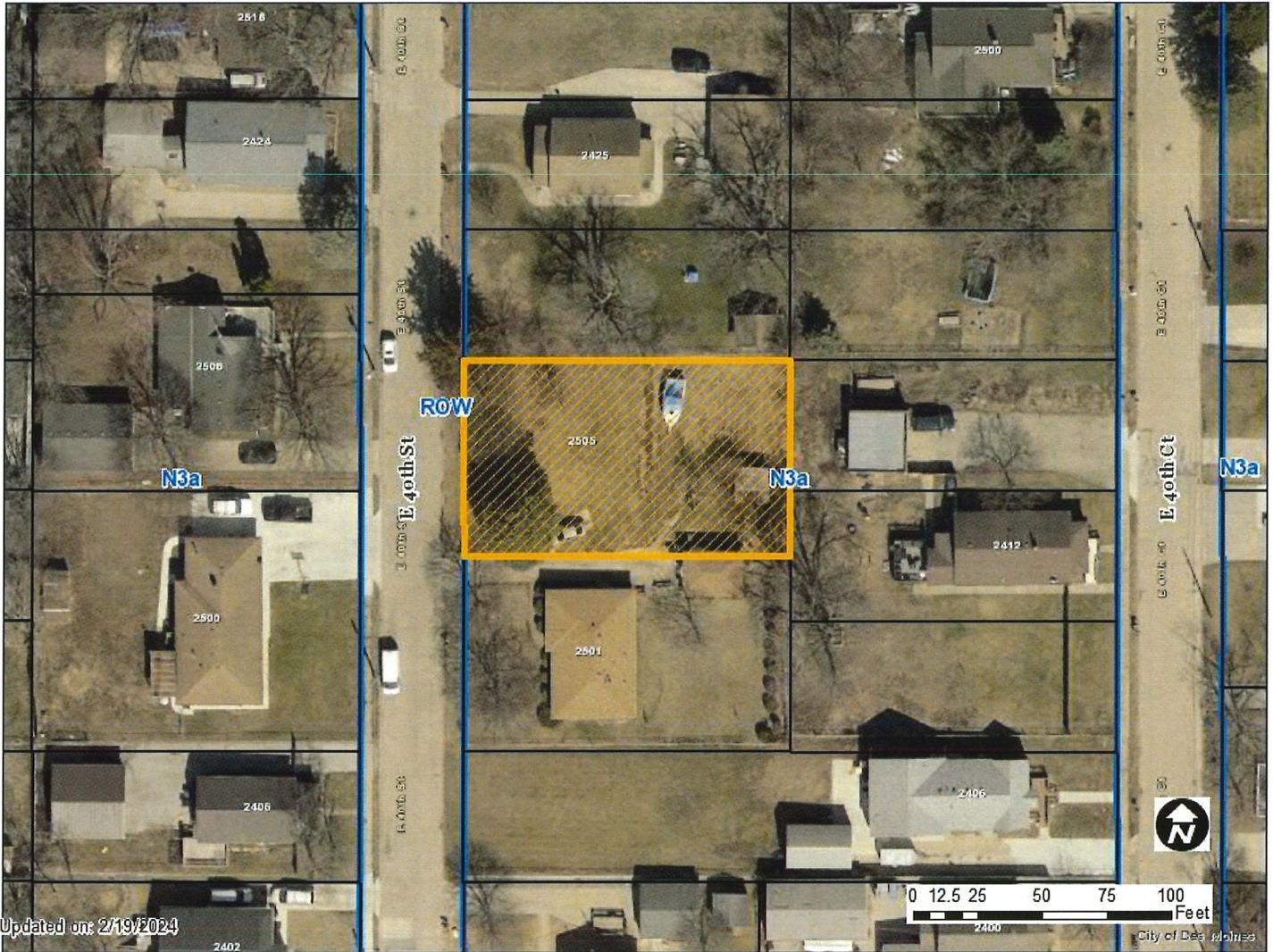
JMV:mrw

Stamoreno, LLP, 2505 East 40th Street

COMP-2024-000005



1 inch = 49 feet



Updated on: 2/19/2024

1 inch = 49 feet



Network Feb 27, 2024 at 3:07:45 PM CST

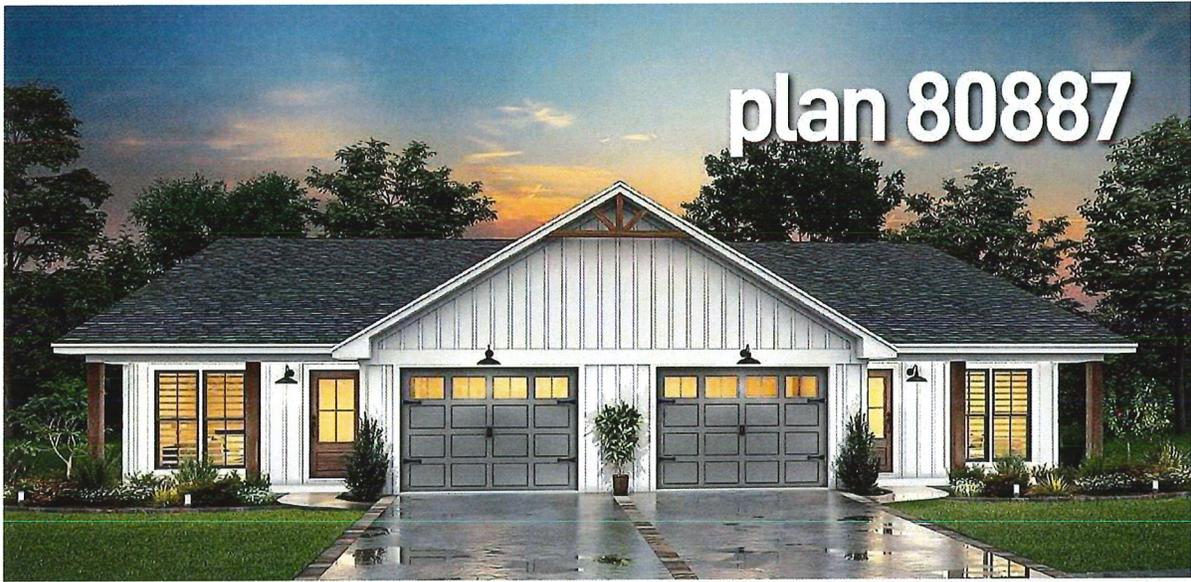
Local Feb 27, 2024 at 9:07:45 PM CST

N 41° 37' 3.375", W 93° 32' 15.376"

2508 E 40th St

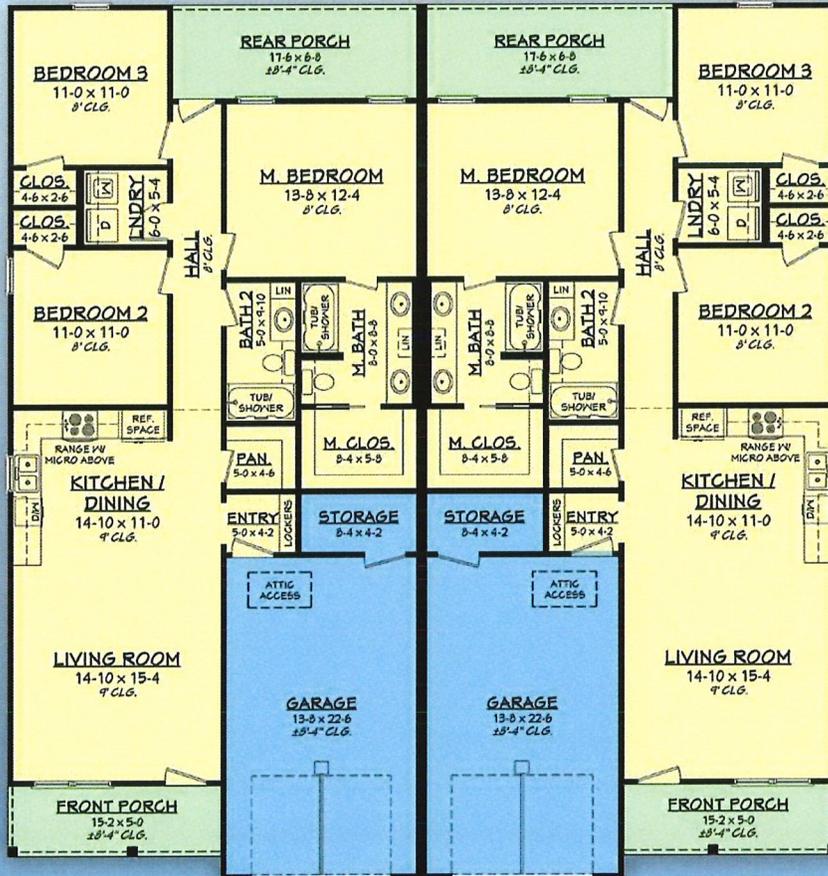
Des Moines IA 50317

United States



plan 80887

familyhomeplans.com 800-482-0464



2496 square feet

6 beds  
4 baths  
59' wide  
62' deep

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



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 39<sup>TH</sup> CT

Comments: We have to 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 40<sup>th</sup> 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. 40<sup>th</sup> STREET

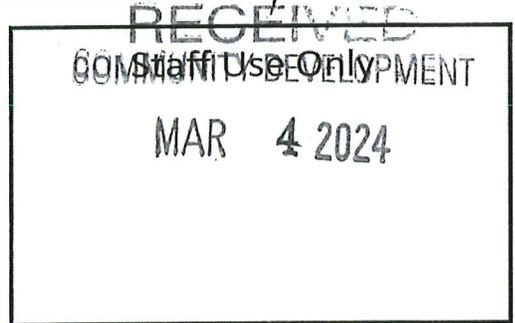
Comments: - Impact - Limited STREET USE  
AND:  
LOWER PROPERTY VALUES

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 Belong

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: \_\_\_\_\_

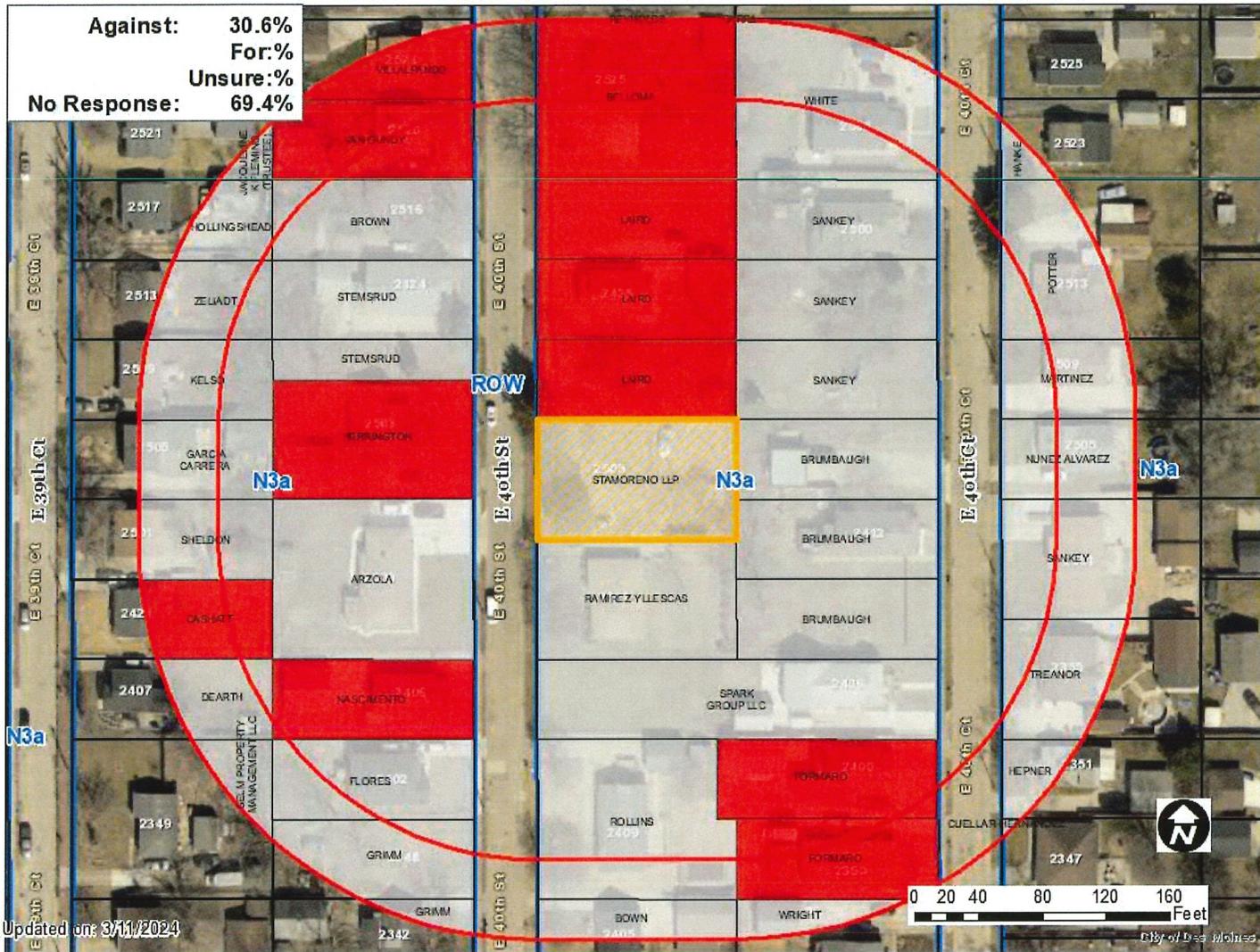
Impacted Address: 2425 E 40<sup>th</sup> St

Comments: unsure as to the impact  
on the neighborhood

\_\_\_\_\_  
\_\_\_\_\_

Stamoreno, LLP, 2505 East 40th St GeoParcel 792328355007

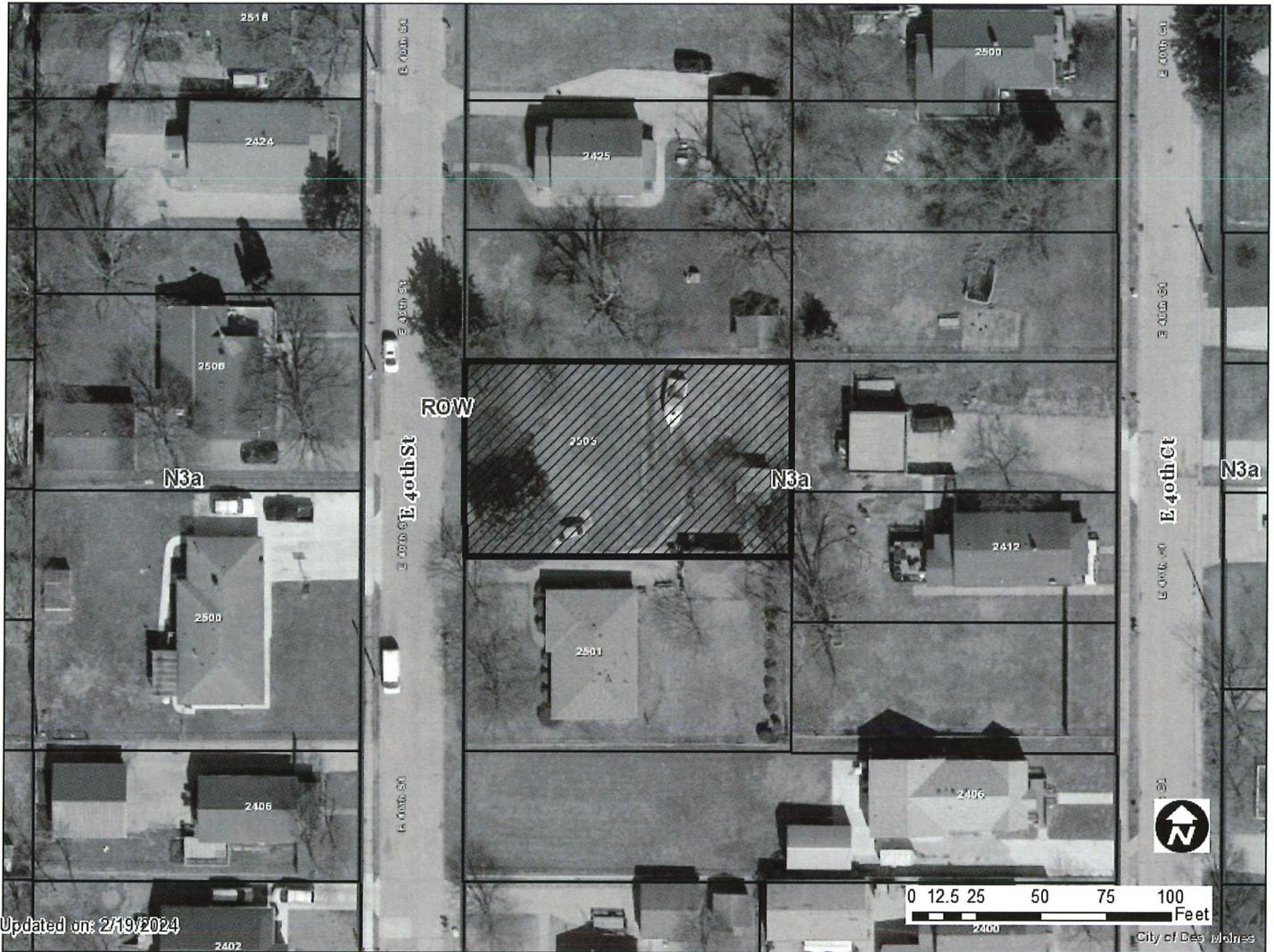
ZONG-2024-000004



1 inch = 79 feet

Stamoreno, LLP, 2505 East 40th Street

ZONG-2024-000004



1 inch = 49 feet