



# Council Communication

Office of the City Manager

<b>Date</b>	July 13, 2009
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<b>Agenda Item No.</b>	<b>64</b>
<b>Roll Call No.</b>	<b><u>09-</u></b>
<b>Communication No.</b>	<b><u>09-494</u></b>
<b>Submitted by: Larry Hulse, Community Development Director</b>	

## **AGENDA HEADING:**

Public Hearing regarding request from Florencio Estrada, owner, to rezone property located at 335 Forest Avenue from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District.

## **SYNOPSIS:**

On April 6, 2009, the City Council continued this item until July 13, 2009, to allow the applicant to work with Community Development regarding a more detailed plan for future development of the property. The applicant has failed to provide any proposed plans to Community Development Department staff, therefore the previous recommendation from the Plan and Zoning Commission to deny the rezoning request remains for consideration by the City Council. Staff recommends denial of the rezoning request at this time.

## **FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

## **ADDITIONAL INFORMATION:**

Subsequent to the April 6, 2009 City Council meeting, Community Development staff had made repeated attempts to contact the applicant and his representative. The most recent discussion with Mr. Estrada was via telephone on June 5, 2009. He had indicated that nothing further had transpired to formulate a plan since the April 6th City Council meeting. Staff explained to him that his rezoning request was continued and would be back to the City Council on July 13th, with the expectation that there would be a plan for the property. It was also explained to him that he could withdraw his application, with the ability to resubmit the same or similar request at any point in the future where a plan might be formulated. He was given staff contact information and he stated that he would communicate with staff after consulting with his representative (Tim Waddell). Staff has attempted to reach the applicant and his representative on multiple occasions since the June 5th conversation. Neither Mr. Estrada nor Mr. Waddell has made any further communication with staff, to date.

Because private garages are a permitted accessory use in the R1-60 District, and the property is over one acre in area, the applicant is not limited on the total square footage for residential accessory structures from a zoning perspective. However, the City's Site Plan ordinance would require all garages to be accessed by a paved drive and would limit the administrative approval of permits to a project area or

total new impervious area (paving and structures) of 10,000 square feet or less. Any aggregate development beyond this threshold would require that the property be rezoned to R-3, and would trigger a Site Plan review by the Plan and Zoning Commission under design guidelines for multiple-family dwellings. Furthermore, any expansion of the existing multiple-family dwelling units in area of the footprint or habitable space, or to increase the number of dwelling units will also require rezoning and approval of a Site Plan by the Plan and Zoning Commission.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 6, 2009

Roll Call Number: 05-273

Action: Hearing on rezoning of property from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple Family Residential) to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family dwelling. Moved by Vlassis to continue to the July 13, 2009 Council Meeting at 5:00 P.M. Applicant will work with the Community Development Department regarding a plan for the property. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: March 25, 2009

Roll Call Number: N/A

Action: City Plan and Zoning Commission at a public hearing held March 5, 2009, the members voted 7-4 in support of a motion to recommend DENIAL of a request from Florencio Estrada (owner) to amend the Des Moines' 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Low/Medium Density Residential for property located at 335 Forest Avenue.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Consideration of any future rezoning applications for the property.

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