

★ **Roll Call Number**

Agenda Item Number

46A

Date November 7, 2011


WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held October 6, 2011, the members voted 11-0 to recommend **APPROVAL** of a request from Christopher Seunt Jens (owner) for property in the vicinity of 3422 57th Street to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low Density Residential to Low/Medium Density Residential.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved and adopted.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(21-2011-4.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, 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

46A

October 12, 2011

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 6, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a motion to find the property in the vicinity of 3422 57th Street not in conformance with the Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of the requested amendment to the Des Moines' 2020 Community Character Plan future to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential. 21-2011-4.10

By separate motion Commissioners recommended 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from Christopher Seunt Jens (owner) to rezone property in the vicinity of 3422 57th Street to "R-2" One- or Two-Family Residential District, subject to the applicant agreeing to the following conditions: ZON2011-00157

1. Permitted uses shall be limited to single-family or single-family semidetached residential.
2. Any use of the property for single-family semidetached residential shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any single-family semidetached dwelling unit shall have at least 1,000 square feet of floor space excluding basements.
4. The exterior of any single-family semidetached dwelling unit shall be constructed of masonry (brick or stone) and/or horizontal cedar or cement board overlap siding.
5. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
6. The front elevation of any single-family semidetached dwelling unit shall contain either 1/3 masonry (brick or stone) or a front porch of not less than 60 square feet.
7. The front elevation of any single-family semidetached dwelling unit constructed shall include either shutters on each side of each window or window trim not less than 4 inches in width.

8. Provision of a minimum 12-foot by 24-foot (288 square feet) garage on each lot that is accessed by a paved driveway. The garage shall be located outside of the minimum required front yard setback.
9. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

Written Responses

- 0 In Favor
- 2 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan's Low-Density Residential designation.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan future 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 to "R-2" One- or Two-Family Residential District, subject to the applicant agreeing to the following conditions:

1. Permitted uses shall be limited to single-family or single-family semidetached residential.
2. Any use of the property for single-family semidetached residential shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any single-family semidetached dwelling unit shall have at least 1,000 square feet of floor space excluding basements.
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7. The front elevation of any single-family semidetached dwelling unit constructed shall include either shutters on each side of each window or window trim not less than 4 inches in width.
8. Provision of a minimum 12-foot by 24-foot (288 square feet) garage on each lot that is accessed by a paved driveway. The garage shall be located outside of the minimum required front yard setback.

9. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to combine two existing undeveloped parcels and construct a two-family residential dwelling (duplex). The conceptual building elevations submitted with the rezoning application indicate that the two proposed units would each be ranch style with 768 square feet of a living space and a 4-foot by 15-foot (60 square feet) front porch. Building materials would likely include horizontal lap siding and asphalt shingles.
2. **Size of Site:** 16,683 square feet (0.38 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site is currently undeveloped land, as the single-family dwelling has been removed.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Use is single-family residential.
 - South* - "R1-60", Use is single-family residential.
 - East* - ""R1-60" & "R-2", Uses are single-family residential and undeveloped land.
 - West* – "R-2" & "R1-60", Uses include a two-family residential use (duplex) and Christopher's Fine Jewelry retail use.
6. **General Neighborhood/Area Land Uses:** The surrounding properties fronting 57th Street are primarily used for single-family residential uses. The subject site backs up to properties fronting the Merle Hay Road major commercial corridor.
7. **Applicable Recognized Neighborhood(s):** Merle Hay Neighborhood.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The 2020 Community Character Plan currently designates the subject property as Low-Density Residential, which allows only single-family residential dwellings. Therefore, any rezoning of the property to "R-2" One- or Two-Family Residential District to allow a two-family dwelling unit would require amending the future land use designation to Low/Medium Density Residential.

Staff recommends that construction of any structure with two dwelling units be constructed as single-family semidetached dwelling units. Single-family semidetached dwelling units would virtually appear to be a duplex but would be separated by a property line along the common wall. This would require each dwelling unit to be constructed on a separate tax parcel, which would allow for the dwelling units to be owner-occupied rather than rental. Any use of the property for single-family semidetached residential must be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.

2. **Urban Design:** The conceptual building elevations submitted with the rezoning application indicate that the two proposed units would each be ranch style with 768 square feet of a living space and a 4-foot by 15-foot (60 square feet) front porch. Building materials would likely include horizontal lap siding and asphalt shingles.

In order to minimize the impact of two single-family semidetached dwelling units on a street fronted primarily by detached single-family residential units, staff recommends that any single-family semidetached dwelling be constructed in accordance with several conditions pertaining to design. Staff recommends that any single-family semidetached dwelling unit be constructed with masonry (brick or stone) and/or horizontal cedar or cement board overlap and architectural asphalt shingles. Staff also recommends that the front elevation of any single-family semidetached dwelling unit contain either 1/3 masonry (brick or stone) or a front porch of not less than 60 square feet, and either have shutters or window trim not less than 4 inches in width.

Since the two-family dwelling would be constructed between a 2,084-square foot single-family dwelling and a 672-square foot single-family dwelling, staff recommends that any dwelling unit constructed should contain at least 1,000 square feet of living area excluding basements.

3. **Natural Site Features:** The site contains several of mature overstory trees. Any tree removals on the site will be subject to the provisions of the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).
4. **Additional Information:** In accordance with City Code Section 134-1276(c)(1), any two-family dwelling without either a basement or garage must provide an accessory storage building of at least 80 square feet per dwelling unit. Staff recommends that in order to minimize impacts on the surrounding properties, a minimum 12-foot by 24-foot (288 square feet) garage accessed by a paved driveway should be provided for each dwelling unit and be located outside of the minimum required 30-foot front yard setback

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

Chuck Bishop with Bishop Engineering 3501 104th Street in Urbandale stated that the applicant does not agree with conditions #3 and #4. The applicant is requesting a waiver of the minimum 1,000 square feet of floor space per unit excluding basements as their plan includes 768 square feet of floor space per unit. For condition #4 staff is requesting that the exterior of any single-family semidetached dwelling unit shall be constructed of masonry (brick or stone) and/or horizontal cedar or cement board overlap siding. The applicant is requesting to use masonite siding or vinyl siding.

Greg Jones asked if the applicant would accept staff recommendation if that is what the Commission agrees to.

Chuck Bishop stated that most of the houses up and down the street are rental properties in the range of \$700/month rent and it would be difficult to build something like that and still be able to afford a \$700/month rent. He would let the applicant speak to that but they would ask for a waiver on the minimum 1,000 square feet floor space per unit.

Jacqueline Easley left the meeting @ 6:33 p.m.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of the applicant's request

Chris Seunt Jens, the applicant, 801 SE 3rd Ankeny stated that he is looking at this project as an investment and it must cash flow in order for it to work for him. If he takes a loss it will remain vacant. He believes that his project would greatly improve the area.

The following spoke in opposition of the applicant's request

Joann Hanover 1406 Merle Hay Road stated that she is for and against the project. The neighborhood association decided that they would leave it up to the neighbors if they wanted a duplex. She is concerned that at least two of the properties near the project are owned by people who do not live in Des Moines so they do not care. The units across the street are owned by the people who live in them. She is also aware there are plans for the applicant to come forward on October 20, 2011 to ask to extend his parking lot. That made her believe that she was not seeing everything they want to do. She is in agreement with the proposed duplexes. The street can use that improvement.

Rebuttal

Chuck Bishop stated that notices were sent out to all of the neighbors, the meeting was last Monday, October 3 and no one showed up. The applicant will be coming before the Commission with a site plan asking to extend the parking six feet past the existing zoning line and a ten feet wide buffer is required. The applicant is going to provide additional trees, buffers, and a fence that is six-feet tall.

Ted Irvine asked if the applicant owns the property next door.

Chuck Bishop stated yes the applicant owns the property next door.

Kent Sovern asked about the term semidetached dwelling and how is the applicant's configuration. From the drawing it looks like the configuration is a semidetached dwelling which looks good.

Chuck Bishop stated that they have to look at that because he is not sure they will have the frontage required under the zoning.

Bert Drost stated that the frontage would be measured at the building setback line and the "R-2" district allows single-family semidetached dwellings to have a 32 ½ feet frontage.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Ted Irvine asked for a friendly amendment to recommend 768 square feet of floor space instead of the 1000 square feet of floor space that staff recommended. Motion failed 4-7 (John "Jack" Hilmes, Christine Pardee, Tim Fitzgerald, and Ted Irvine voted in favor. Greg Jones, CJ Stephens, JoAnne Corigliano, Kent Sovern, Dann Flaherty, Will Page, and Shirley Daniels voted in opposition)

COMMISSION ACTION:

Greg Jones moved staff recommendation Part A) that the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan's Low-Density Residential designation.

Motion passed 11-0.

Greg Jones moved staff recommendation Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan future to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential.

Motion passed 11-0.

Greg Jones moved staff recommendation Part C) to approve the request to rezone the property to "R-2" One- or Two-Family Residential District, subject to the applicant agreeing to the following conditions:

1. Permitted uses shall be limited to single-family or single-family semidetached residential.
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9. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

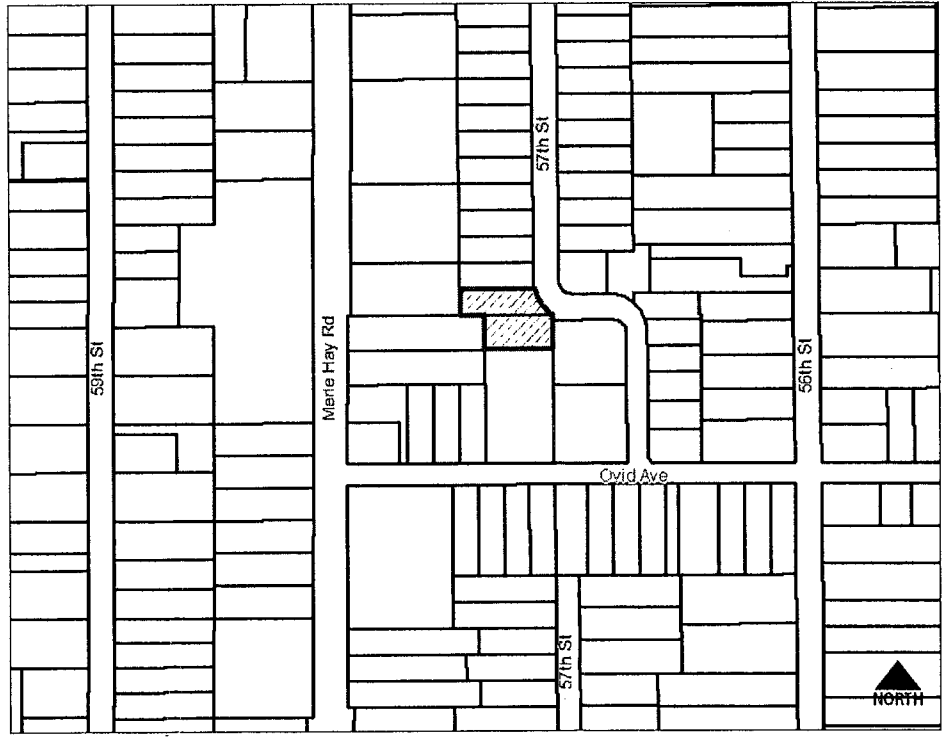
Attachment

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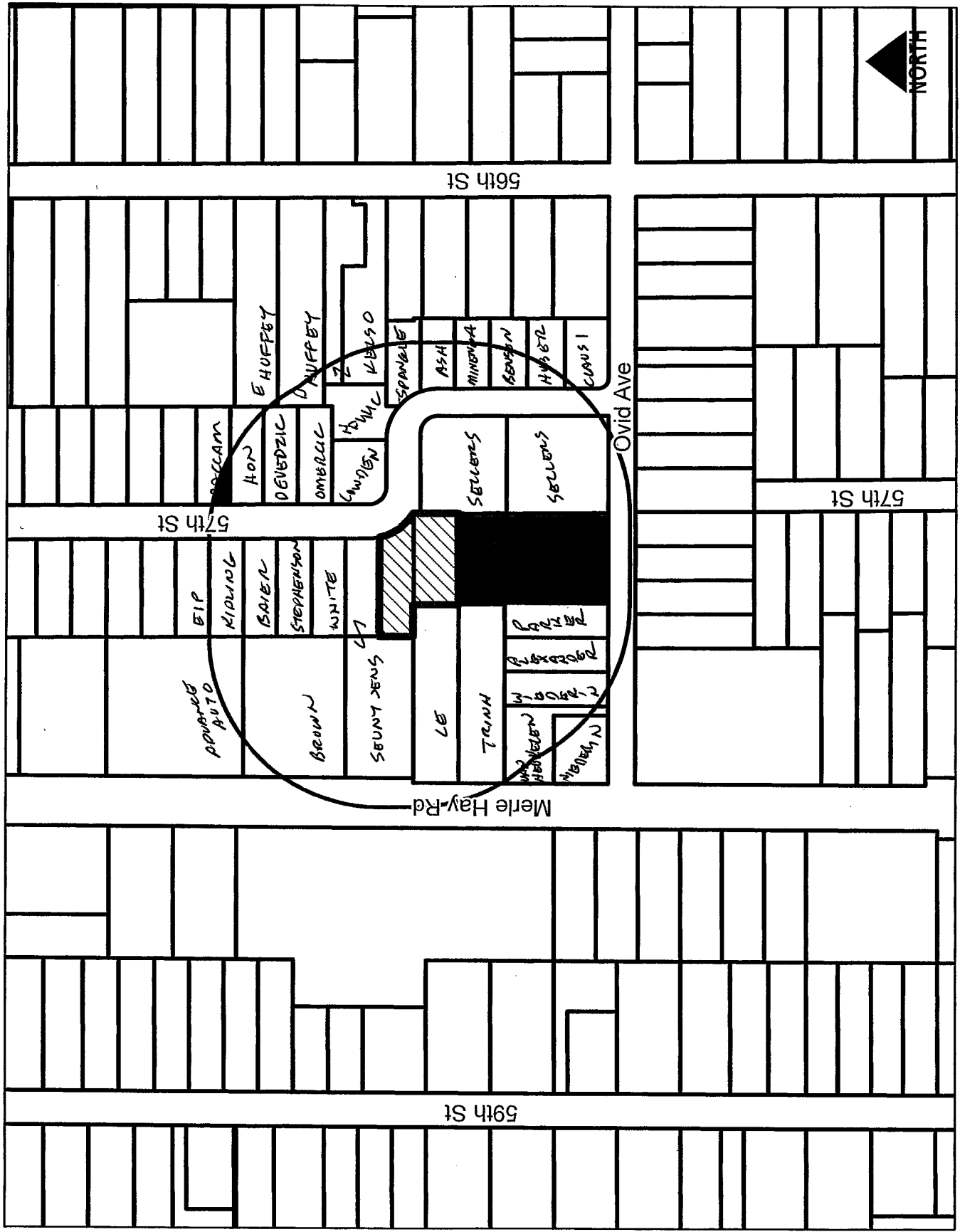
Request from Christopher Seunt Jens (owner) to rezone property in the vicinity of 3422 57th Street.				File #	
				ZON2011-00157	
Description of Action	Review and approval to rezone the property from "R1-60" One-Family Low-Density Residential District to "R-2" One and Two-Family Residential District, to allow for infill development with two-family dwellings.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R-2" One and Two-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		2			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Christopher Seunt Jens - 3422 57th Street

ZON2011-00157



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Item 2011 00157 Date 9-28-11

I (am) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

OCT 03 2011

DEPARTMENT

Print Name FRISCO Baccam

Signature FRISCO Baccam

Address 3501 57th St, Des Moines, IA 50310

Reason for opposing or approving this request may be listed below:

It will lower my appraisal/property value
lower than it already is.

Item 2011 00157 Date _____

I (am) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

OCT 05 2011

DEPARTMENT

Print Name Joyce Eileen Walker

Signature Joyce Eileen Walker

Address 5707 OVID AVE.

Reason for opposing or approving this request may be listed below:

Since the house on 57th St was torn down, the land has
been left with tall weeds growing. The land on the south
side of it is in the same condition. The owner should be
ashamed as it is a eyesight. If a home owner did this, there
would be complaints and authorities would be on them.
This would possibly happen to the properties if
R's are ~~be~~ built on it.