

**Date** June 22, 2020

**RESOLUTION SETTING HEARING ON REQUEST FROM ANCHOR INVESTMENT GROUP, LLC  
TO REZONE PROPERTY LOCATED AT 3116 VICTORIA DRIVE**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2020, its members voted 8-3-1 in support of a motion to recommend **APPROVAL** of a request from Anchor Investment Group, LLC (owner), represented by Michael Donlin (officer), to rezone the real property locally known as 3116 Victoria Drive (“Property”) from N3b Neighborhood District to Limited N3b-2 Neighborhood District, to allow for conversion of the existing one-household residential dwelling to be restored to its original use as a two-household residential dwelling, subject to the condition that any two-household use shall be in conformance with the provisions applicable for either a House B or House C building type as set forth in Chapter 135 of the Des Moines Municipal Code; and

**WHEREAS**, the Property is legally described as follows:

LOT 100 IN VAN SLYKE & DORSEY’S LINNWOOD PARK; AN OFFICIAL PLAT AND LOT 1 IN LINNWOOD PARK PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN 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 rezoning is to be considered shall be held on July 13, 2020, at 5:00 p.m., to be held by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location at which time the City Council will hear both those who oppose and those who favor the proposal.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

MOVED BY \_\_\_\_\_ TO ADOPT.

(ZON2020-00052)

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

MOTION CARRIED

APPROVED

**CERTIFICATE**

I, P. KAY CMELIK, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Date 6-22-20  
 Agenda Item 35  
 Roll Call # \_\_\_\_\_

June 16, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 4, 2020 meeting, the following action was taken regarding a request from Anchor Investment Group, LLC (owner) represented by Michael Donlin (officer) to rezone property located at 3116 Victoria Drive from “N3b” Neighborhood District to “N3b-2” Neighborhood District, to allow the existing converted one household dwelling to be restored to the original two household dwelling.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-3-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus		X		
Dory Briles	X			
Abby Chungath			X	
Jacqueline Easley	X			
Jann Freed	X			
John “Jack” Hilmes				X
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones	X			
William Page		X		
Rocky Sposato	X			
Steve Wallace		X		
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of Part A) the proposed rezoning to “N2b-2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.” And Part B) **APPROVAL** of rezoning the subject property from “N3b” Neighborhood District to “N3b-2” Neighborhood District, subject to the condition that any



two-household use shall be in conformance with the provisions applicable for either House B or House C building types.

(ZON2020-00052)

Written Responses

4 in Favor

2 in opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning to “N2b-2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”

Part B) Staff recommends approval of rezoning the subject property from “N3b” Neighborhood District to “N3b-2” Neighborhood District, subject to the condition that any two-household use shall be in conformance with the provisions applicable for either House B or House C building types.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow the existing converted one household dwelling to be restored to the original two household dwelling.
2. **Size of Site:** 25,992 square feet (0.60 acres).
3. **Existing Zoning (site):** “N3b” Neighborhood District.
4. **Existing Land Use (site):** The subject property contains a structure that was originally constructed as a duplex (two-household dwelling) but later converted to a single-family dwelling.
5. **Adjacent Land Use and Zoning:**
  - North** – “N3b”; Use is a one household dwelling.
  - South** – “N3b”; Use is a one household dwelling.
  - East** – “N3b”; Use is a one household dwelling.
  - West** – “N3b”; Use is a duplex (two-household dwelling).
6. **General Neighborhood/Area Land Uses:** The subject property is located west of 30<sup>th</sup> Street in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Beavertdale Neighborhood and within 250 feet of the Drake Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda

on May 15, 2020 and by mailing of the Final Agenda on May 29, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2020 (20 days prior to the public hearing) and May 22, 2020 (10 days prior to the public hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and 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 Beaverdale Neighborhood Association mailings were sent to Marcus Coenen, PO Box 30175, Des Moines, IA 50310. The Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. However, on May 26, 2020, the applicant mailed a letter to the neighboring property owners to explain their proposal and to provide contact information in case they had any questions or comments. The applicant will provide a summary of any communications with neighboring property owners prior to the public hearing.

**8. Relevant Zoning History:** N/A.

**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 subject property is designated as “Low-Density Residential” on the Future Land Use Map. Plan DSM describes this designation 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.

The applicant is proposing to rezone the property from “N3b” Neighborhood District to “N3b-2” Neighborhood District. The “N2b-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” building types. The proposed two (2) dwelling units on a 0.60-acre lot represent a new density of 3.33 units per acre.

**2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of



City Code).

The proposed “N2b-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” building types. The provisions for these building types are contained in City Code Sections 135-2.14 & 135-2-15. Both House B and House C require a two-household dwelling to be side-by-side units, which is how the site sketch submitted with the application demonstrates that the two-family dwelling would be configured. Also, both require at least 65 feet of lot width, whereas the subject property is 100 feet wide at the building line.

## **SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendations.

Greg Wattier asked if this property is in the Drake neighborhood?

Bert Drost stated it's in the Beaverville neighborhood but within 250 feet of the Drake Neighborhood.

Greg Wattier asked if they've sent out any correspondence to the neighborhood boards?

Bert Drost stated the mailing list provided to the applicant included the Beaverville and Drake neighborhood presidents.

Michael Donlin, Representing Anchor Investment group, 640 48<sup>th</sup> Street stated they did reach out to the Beaverville neighborhood and they have provided him a letter of support. They did list this property for sale as a single family but did not sale so they believe it would be best to convert it back into a duplex as it was originally built. Interior work will consist of a dividing wall and additional kitchen.

Greg Jones asked how long it has been a single-family home?

Michael Donlin stated the family they purchased it from was using it as a single family for 2-3 years, beyond that he isn't sure.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Nancy Trotter, 3000 Victoria Drive stated she is in opposition of the rezoning. In 1980 there were only 3 rental properties in a one block radius and currently there are 15 in the same one block radius. They have had issues with trash and unkept yards from the rental properties in the area.

Will Page stated regardless of the decision tonight, we owe her a debt of gratitude for calling neighborhood inspections because that's how things get done in the City.

Michael Donlin stated with the awkward layout and shared driveway, they believe it's better off being a duplex than a single-family.

Greg Wattier asked what their intentions are for the exterior of the home?

Michael Donlin stated they wouldn't be doing a lot to the exterior of the home but would like to add additional parking in the rear of the lot.

Greg Jones asked if they intend to remove the 6-foot wood fence.

Michael Donlin stated they do not have any intention to remove fence.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) the proposed rezoning to "N2b-2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential." And Part B) **APPROVAL** of rezoning the subject property from "N3b" Neighborhood District to "N3b-2" Neighborhood District, subject to the condition that any two-household use shall be in conformance with the provisions applicable for either House B or House C building types.

Motion passed: 8-3-1 (Francis Boggus, Will Page and Steve Wallace voted in opposition, Abby Chungath abstained from the vote).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh



Anchor Investment Group, LLC (owner) represented by Michael Donlin (officer) for property located at 3116 Victoria Drive.			File # ZON2020-00052	
Description of Action	Rezone property from "N3b" Neighborhood District to "N3b-2" Neighborhood District, to allow the existing converted one household dwelling to be restored to the original two household dwelling.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N3b" Neighborhood District.			
Proposed Zoning District	N/A.			
Consent Card Responses Outside Area (200 feet)	In Favor	Not In Favor	Undetermined	% Opposition
Within Subject Property	4	2		
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

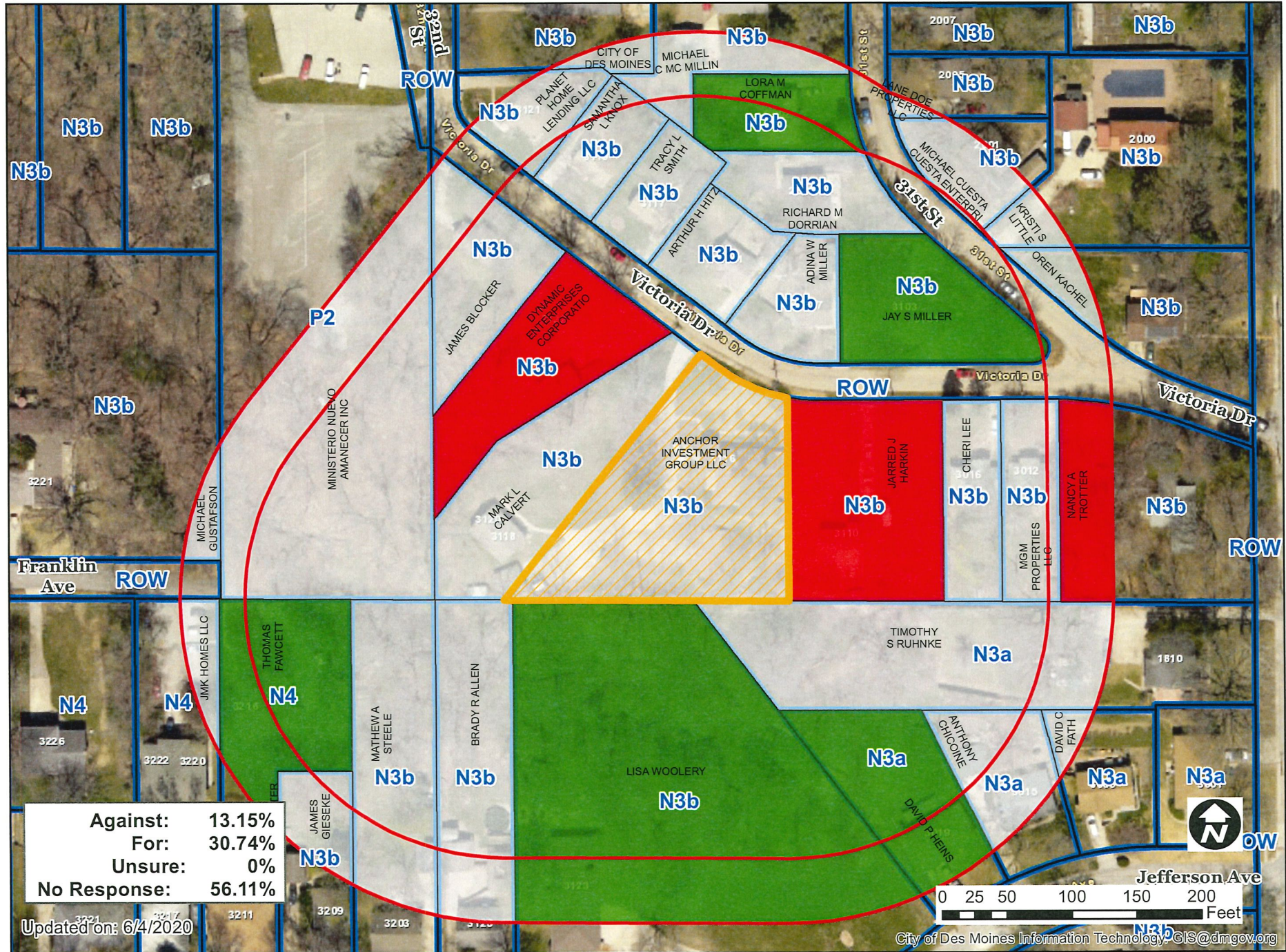
Anchor Investment Group, LLC, 3116 Victoria Drive

ZON2020-00052



1 inch = 99 feet





Against:	13.15%
For:	30.74%
Unsure:	0%
No Response:	56.11%

Updated on: 6/4/2020

95



Item: ZON2020-00052 Date: 5-25-20

(am) (am not) in favor of the request: 35  
(Circle One) Print Name: David Heins

RECEIVED COMMUNITY DEVELOPMENT  
MAY 28 2020  
Signature: [Signature]  
Address: 3019 Jefferson Ave, 50310

Reason for opposing or approving this request may be listed below:  
sure as long as construction noise  
is limited the allotted time

Item: ZON2020-00052 Date: 23 May 20

(am) (am not) in favor of the request:  
(Circle One) Print Name: LORA COFFMAN

RECEIVED COMMUNITY DEVELOPMENT  
MAY 26 2020  
Signature: [Signature]  
Address: 2002 31<sup>st</sup> St.

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

Item: ZON2020-00052 Date: 5/26/2020

I  (am) (am not) in favor of the request:

(Circle One)

Print Name: JANICE WOOLERY 35

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

MAY 28 2020

Address: 3123 JEFFERSON AVE

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

[Empty lines for reason]

Item: ZON2020-00052 Date: May 27, 2020

I  (am) (am not) in favor of the request:

(Circle One)

Print Name: Thomas Fawcett

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

MAY 29 2020

Address: 3214 Franklin Ave, Des Moines

(3216)

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

I think it sounds like a good idea.

[Empty lines for reason]



n: ZON2020-00052

Date: 27 MAY 2020

(am) (am not) in favor of the request:

35

(Circle One)

Print Name: JAY Miller

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: *Jay Miller*

JUN 03 2020

Address: 3103 Victoria Dr

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

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

n: ZON2020-00052

Date: 6/1/2020

(am) (am not) in favor of the request:

(Circle One)

Print Name: RICHARD K HANSEN

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: *Richard K Hansen*

JUN 03 2020

Address: 3122 Victoria Dr

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

Want to keep single family homes  
in this area

Respectfully submitted, *Richard Hansen*

Item: ZON2020-00052 Date: 5-25-2020

35

I (am)  (am not) in favor of the request:

RECEIVED COMMUNITY DEVELOPMENT MAY 29 2020 Print Name: Jared Harkin Signature: [Signature] Address: 3110 Victoria Dr.

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

Several Rental Properties on this street are in disrepair, ie; boarded up windows, retaining walls falling down yards unmowed yet nothing is done about it. This property is already in disrepair ie; unpainted garage overgrown shrubery. The Rental inspectors are a joke!!

Item: ZON2020-00052 Date: 5-27-20

I  (am)  (am not) in favor of the request:

RECEIVED COMMUNITY DEVELOPMENT MAY 29 2020 Print Name: Nancy A. Trotter Signature: [Signature] Address: 3000 Victoria Drive

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

- Neighborhood is already predominantly rentals and not owner-occupied. Do not need more rentals. - This is/was the nicest one-family home in the neighborhood & should be kept that way.