

Date June 14, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM GREG LORANG AND  
ELISSA CIRIGNOTTA TO AMEND PLANDSM FUTURE LAND  
USE DESIGNATION AND TO REZONE PROPERTY  
LOCATED AT 1235 43<sup>RD</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Greg Lorang and Elissa Cirignotta (Owners), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1235 43<sup>rd</sup> Street (“Property”) from Low Density Residential within a Community Node to Low-Medium Density Residential within a Community Node to allow rezoning to ‘N5-2’ Neighborhood District to allow the use of the property for an Accessory Household Unit dwelling, subject to the condition that the site plan must come back to the Commission for review and approval; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Greg Lorang and Elissa Cirignotta (Owners) to rezone the Property from ‘N5’ Neighborhood District to Limited ‘N5-2’ Neighborhood District for the above-stated purpose; and

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

LOT 67 IN ERNHURST, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY.

**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 the comprehensive plan future land use designation 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 proposals, shall be held at 5:00 p.m. on June 28, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
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.

Date June 14, 2021

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

FORM APPROVED: Judy K Parks-Kruse  
 Judy K. Parks-Kruse  
 Assistant City Attorney

(21-2021-4.15)  
 (ZON2021-00049)

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

MOTION CARRIED

APPROVED

\_\_\_\_\_ Mayor

**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.

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

27



Date June 14, 2021

Agenda Item \_\_\_\_\_

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

June 8, 2021

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 20, 2021 meeting, the following action was taken regarding a request from Greg Lorang and Elissa Cirignotta (owners) to rezone property located at 1235 43<sup>rd</sup> Street from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow use of the property for an Accessory Household Unit dwelling.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar				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 "N5-2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential."



Part B) **Approval** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential.

Part C) **Approval** of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District subject to review of any site plan and building design for an accessory household unit by the Plan and Zoning Commission. (ZON2021-00049)

Written Responses

7 in Favor

0 in opposition

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

Part A) Staff recommends that the proposed rezoning to “N5-2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”

Part B) Staff recommends approval of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to remove the existing garage and construct a garage with an Accessory Household Unit (AHU). The proposed rezoning would allow two (2) dwelling on the lot.

2. **Size of Site:** 13,790 square feet (0.317 acres).

3. **Existing Zoning (site):** “N5” Neighborhood District.

4. **Existing Land Use (site):** One-household dwelling.

**5. Adjacent Land Use and Zoning:**

**North** – “N5”; Use is a one-household dwelling.

**South** – “N5”; Use is a one-household dwelling.

**East** – “N5”; Use is a one-household dwelling.

**West** – “N5”; Use is 43<sup>rd</sup> Street ROW and a one-household dwelling.



- 6. General Neighborhood/Area Land Uses:** The subject property is located along the east side of 43<sup>rd</sup> Street to the north of University Ave in an area that contains a mix of residential uses. The property is also located within the Franklin Area Special Investment District.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Waveland Park 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 April 30, 2021 and by mailing of the Final Agenda on May 14, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 30, 2021 (20 days prior to the public hearing) and May 10, 2021 (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 Services Department on the date of the mailing. The Waveland Park Neighborhood Association mailings were sent to Anna Mason, 1434 44<sup>th</sup> Street, Des Moines, IA 50311. The Drake Neighborhood Association 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 an in-person neighborhood meeting. However, on March 4, 2021, the applicant mailed a letter to the neighboring property owners and neighborhood association to explain their proposal and to provide contact information in case they had any questions or comments. The applicant has provided a summary of the communications with neighboring property owners.

- 8. Relevant Zoning History:** N/A.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential within a Community Node.
- 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 for the property be amended from "Low-Density Residential" in a "Community Node" to "Low-Medium Density Residential" in a "Community Node." Plan DSM 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 primarily single family, duplex, and small multi-family residential units with up to 12 dwelling units per net acre.*

*Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.*

The applicant is proposing to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District. The “N5-2” District allows for one- and two-household dwellings that are in accordance with either “House B” or “House C” “House D” building types. The proposed two (2) dwelling units on a 0.317-acre lot represent a new density of 6.31 units per acre. Therefore, the rezoning requires that the future land use designation be amended to Low-Medium Density Residential.

The subject property is in the Franklin Area Special Investment District, which calls for affordable homeownership and rehab activities that further the neighborhoods desire to be inviting and inclusive of diverse populations.

- 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 “N5-2” District allows for one- and two-household dwellings that are in accordance with the “House D” building type. The provisions for this building type is contained in City Code Section 135-2.16. Any deviation from these requirements would be subject to the consideration of any necessary future Type 1 or Type 2 Design Alternative(s).
- 3. Staff Rationale:** The proposed rezoning would allow use of the property as a two-household dwelling, with the addition of an Accessory Housing Unit for use by a family member. A two-household dwelling would fill a need identified in PlanDSM to provide medium-density, missing-middle housing. It would also further the goal of diverse housing types identified in the Franklin Area Special Investment District. Development patterns within a Community Node are expected to be denser than in other areas of the city that are not in a Node.

## **SUMMARY OF DISCUSSION**

Anu Minhas presented staff report and recommendation.

Greg Wattier asked if staff knew the number of accessory dwellings in this area?

Anu Minhas stated she does not have that information in front of her tonight.



Greg LoRang 1235 43<sup>rd</sup> Street stated the reason for this request tonight is to have the ability to build an ADU, providing a single level home for his mother to live in. They want to maintain the character of the neighborhood and will continue to do so through the design process. They do not want to create any obnoxious building but rather a functional location hidden away from the neighborhood.

Steve Wilke-Shapiro 3134 Cottage Grove Avenue, architect for the project, stated they are excited to present this project so they can demonstrate how creative housing solutions can support diverse living arrangements for people with accessibility needs.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Thai Luong 1242 42<sup>nd</sup> Street stated they were delighted to hear about the ADU being added to the property with some diversity in architecture. Knowing there are other ADU's in the neighborhood, they don't find this incongruous to the character of the neighborhood.

Kelly Bronsink 1249 43<sup>rd</sup> Street stated they are in opposition of this request as they enjoy their backyard and not in favor of major construction in the neighborhood. Her main concern is the accessory dwelling taking up more of the property than allowed by the Zoning Code.

Donna Darden 1243 43<sup>rd</sup> Street stated they are living in their home more than a few months out of the year. They did plan to move back fulltime after retirement but due to Covid-19, that has been delayed. They believe this project will change the character of the neighborhood and hope to have the opportunity to review the plans more closely.

Greg LoRang stated their intention for this project is to create a place for a multigenerational family to exist. The space above the garage will give him a safe place to work and open additional space in the main home for the growing family.

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

Abby Chungath stated she is in support of accessory dwellings and believes it does not deflect from the character of the neighborhood.

Greg Wattier stated he would also be in support of this request and hopes the applicant will reach out to adjoining neighbors to show them more of what they plan to do.

### **COMMISSION ACTION:**

Jann Freed made a motion for:

Part A) the proposed rezoning to "N5-2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential."

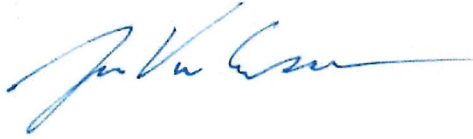
Part B) **Approval** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential.



Part C) **Approval** of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District subject to review of any site plan and building design for an accessory household unit by the Plan and Zoning Commission.

Motion passed: 11-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

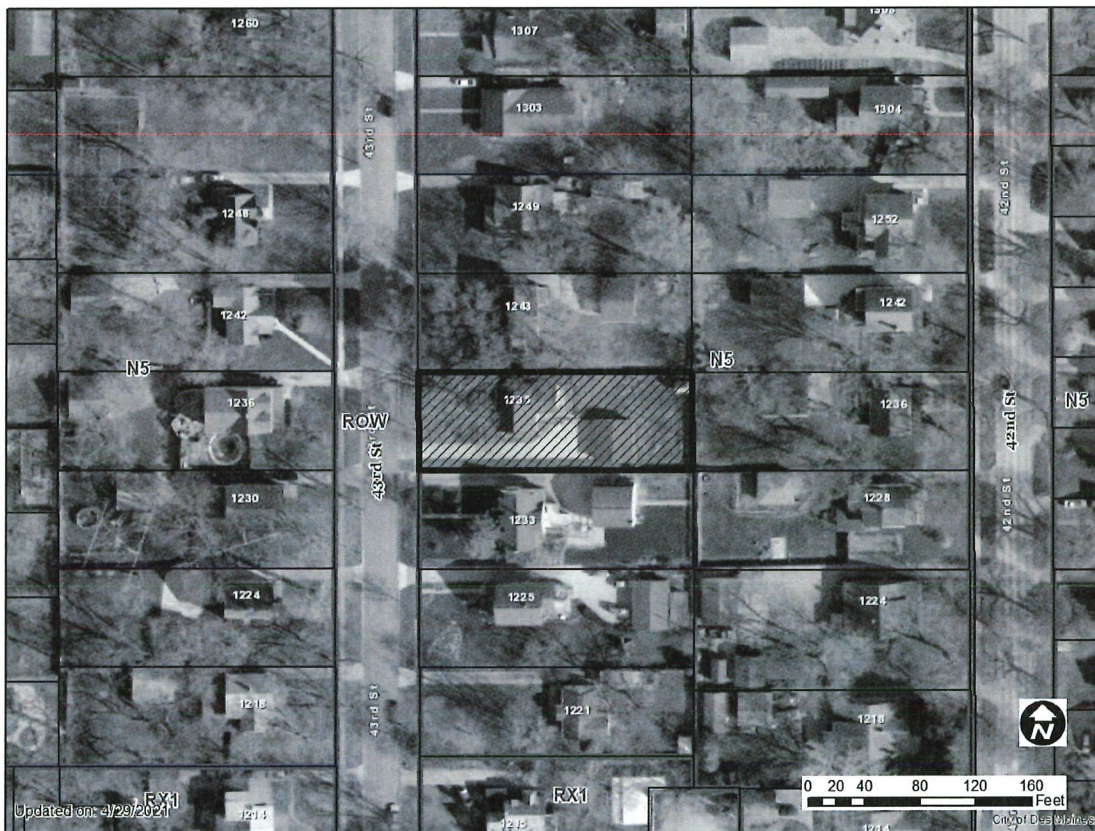
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

Request from Greg Lorang and Elissa Cirignotta (owners) for property located at 1235 43 <sup>rd</sup> Street.		File #	
		21-2021-4.15	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential in a Community Node to Low-Medium Density Residential within a Community Node.		
PlanDSM Future Land Use	Current: Low Density Residential in a Community Node. Proposed: Low-Medium Density Residential within a Community Node.		
Mobilizing Tomorrow Transportation Plan	No planned improvements.		
Current Zoning District	"N5" Neighborhood District.		
Proposed Zoning District	"N5-2" Neighborhood District.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Outside Area (200 feet)	0	0	
Within Subject Property			
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council
	Denial		Yes
			No
			X

Greg Lorang and Elissa Cirignotta, 1235 43rd Street

21-2021-4.15



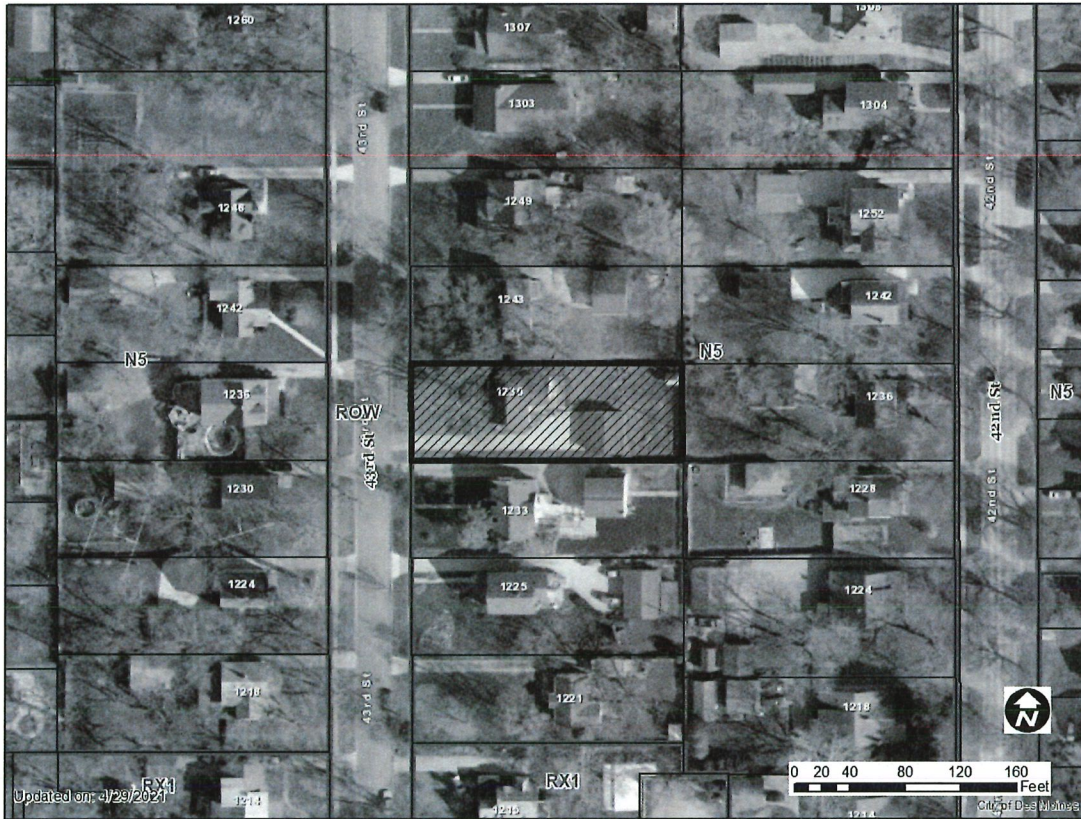
1 inch = 78 feet



<b>Request from Greg Lorang and Elissa Cirignotta (owners) for property located at 1235 43<sup>rd</sup> Street.</b>		<b>File #</b> ZON2021-00049		
<b>Description of Action</b>	Rezone property from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow use of the property for a Accessory Household Unit dwelling.			
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential in a Community Node. Proposed: Low-Medium Density Residential within a Community Node.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"N5" Neighborhood District.			
<b>Proposed Zoning District</b>	"N5-2" Neighborhood District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Outside Area (200 feet)</b>	7	0		
<b>Within Subject Property</b>				
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

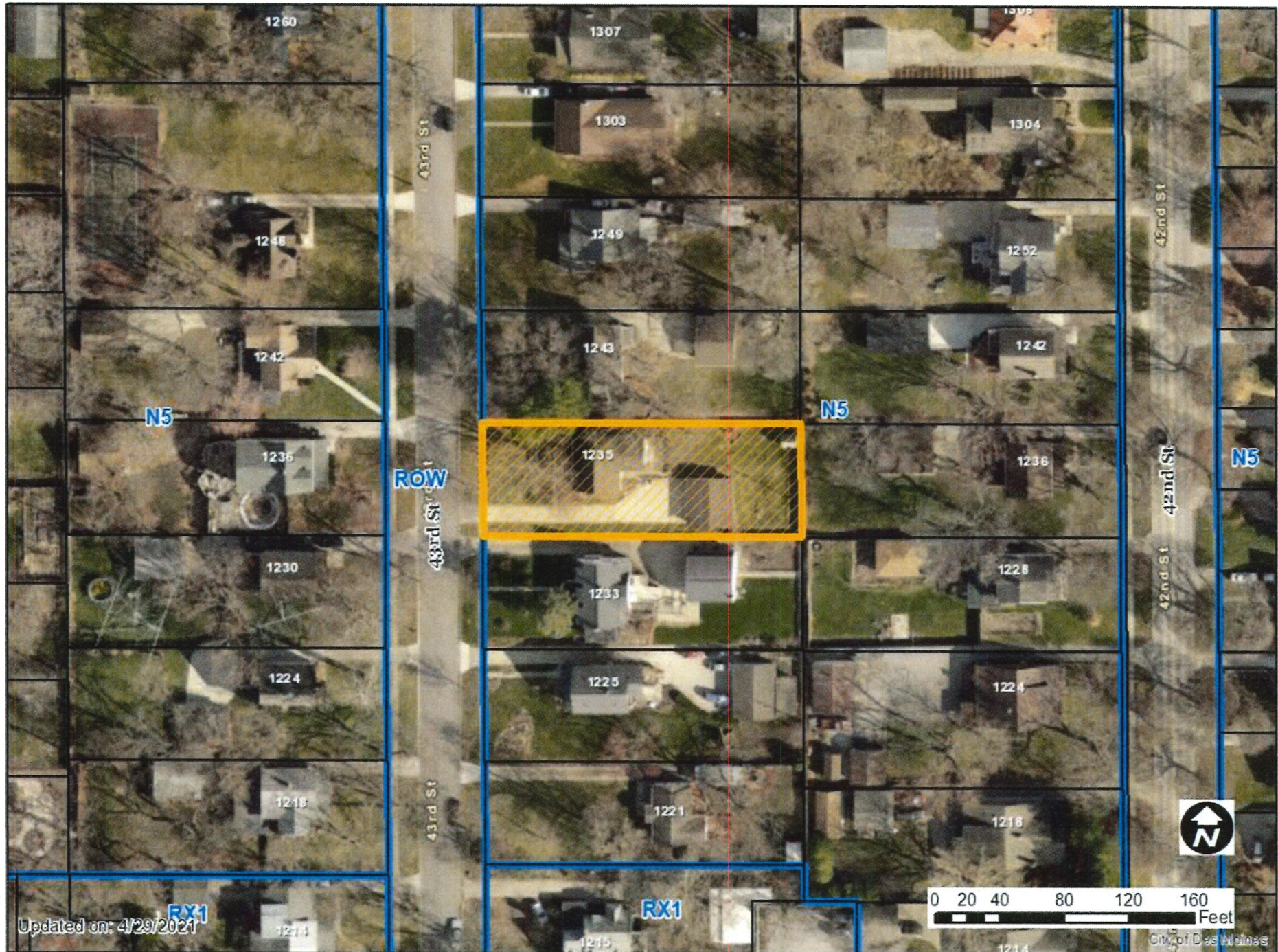
Greg Lorang and Elissa Cirignotta, 1235 43rd Street

ZON2021-00049



1 inch = 78 feet









Updated on: 5/25/2021

1 inch = 78 feet



Item: ZON2021-00049 Date: 5/12/21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: Marcia Sears

Name: MARCIA SEARS

Address: 1233 43rd St.

Staff Use Only

**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

I certainly approve of the addition. They are  
wonderful neighbors and the addition is  
designed to be more than acceptable.

Item: ZON2021-00049 Date: 5-12-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: TJ Brubaker

Name: TED J. BRUBAKER

Address: 1307 43rd, DSM 50311

Staff Use Only

**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

Being a residence for a family member  
should have no impact on parking or  
create any other problems for the  
neighborhood.



Item: ZON2021-00049

Date: 5/11/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: Thai Luong

Address: 1242 42nd St. 50211

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

I think it's a lovely idea and will raise the  
property value of the house and area. I hope that  
they will be able to do it.

Item: ZON2021-00049

Date: 5-11-2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: Kendra [Signature]

Address: 1214 42nd St, DSM  
50311

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

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

Item: ZON2021-00049 Date: 5-12-21

Please mark one of the following

- I am in favor of the request  
 I am not in favor of the request

Signature: *Christina Yeager*

Name: Christina Yeager

Address: 1242 43rd St. DM, IA

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

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Item: ZON2021-00049 Date: \_\_\_\_\_

Please mark one of the following

- I am in favor of the request  
 I am not in favor of the request

Signature: *Norlene Geigner*

Name: Norlene Geigner

Address: 1215 43rd St

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAY 14 2021

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

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Item: ZON2021-00049

Date: 5.15.21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Cynthia Lane

Name: Cynthia J. Lane

Address: 1304 42<sup>nd</sup> St.

Staff Use Only

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

I approve! Good for a family to  
be able to live together for  
social and care reasons.