



Date June 28, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM GREG LORANG AND ELISSA CIRIGNOTTA TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1235 43RD STREET

WHEREAS, on June 14, 2021, by Roll Call No. 21-0858, the City Council received a communication from the City Plan and Zoning Commission advising 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 43rd 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 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 11-0 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, on June 14, 2021, by Roll Call No. 21-0858, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on June 28, 2021 at 5:00 P.M., in the 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 proposed amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1235 43rd Street, legally described as:

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

from ‘N5’ Neighborhood District to Limited ‘N5-2’ Neighborhood District.



Roll Call Number

Agenda Item Number

67

Date June 28, 2021

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to PlanDSM and proposed rezoning of the Property to 'N5-2' Neighborhood District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential in a Community Node to Low-Medium Density Residential in a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'N5-2' Neighborhood District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

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

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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



Date June 28, 2021

Agenda Item 62

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 43rd 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 43rd Street ROW and a one-household dwelling.

- 6. General Neighborhood/Area Land Uses:** The subject property is located along the east side of 43rd 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 44th 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 43rd 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 42nd 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 43rd 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 43rd 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,



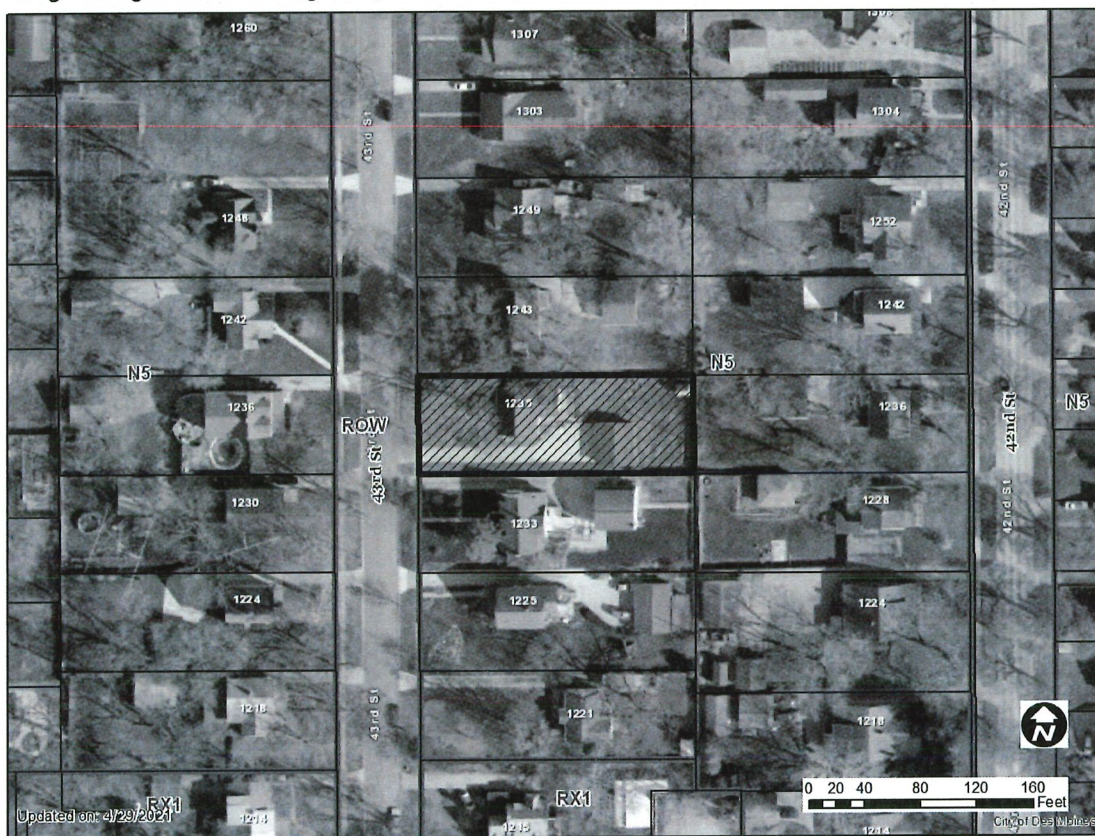
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Greg Lorang and Elissa Cirignotta (owners) for property located at 1235 43rd 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		
			No
			X

Greg Lorang and Elissa Cirignotta, 1235 43rd Street

21-2021-4.15

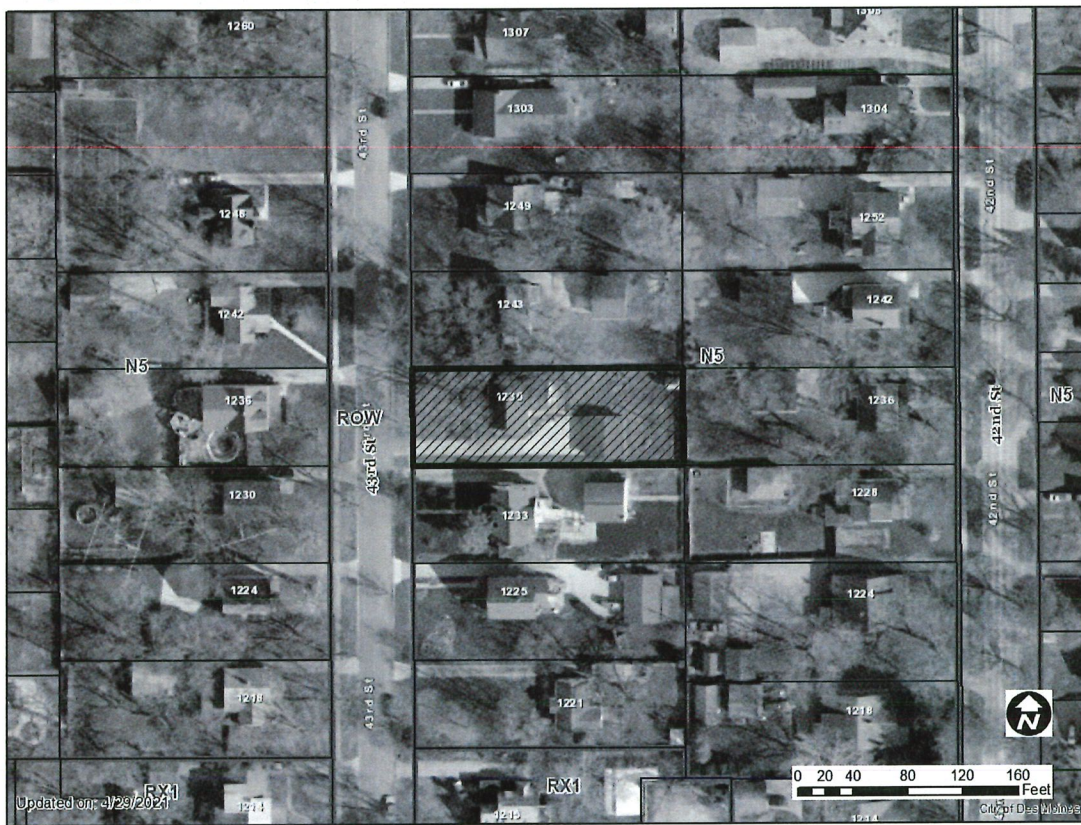


1 inch = 78 feet

Request from Greg Lorang and Elissa Cirignotta (owners) for property located at 1235 43 rd Street.			File #	
			ZON2021-00049	
Description of Action	Rezone property from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow use of the property for a Accessory Household Unit dwelling.			
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	% Opposition
Outside Area (200 feet)	7	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Greg Lorang and Elissa Cirignotta, 1235 43rd Street

ZON2021-00049

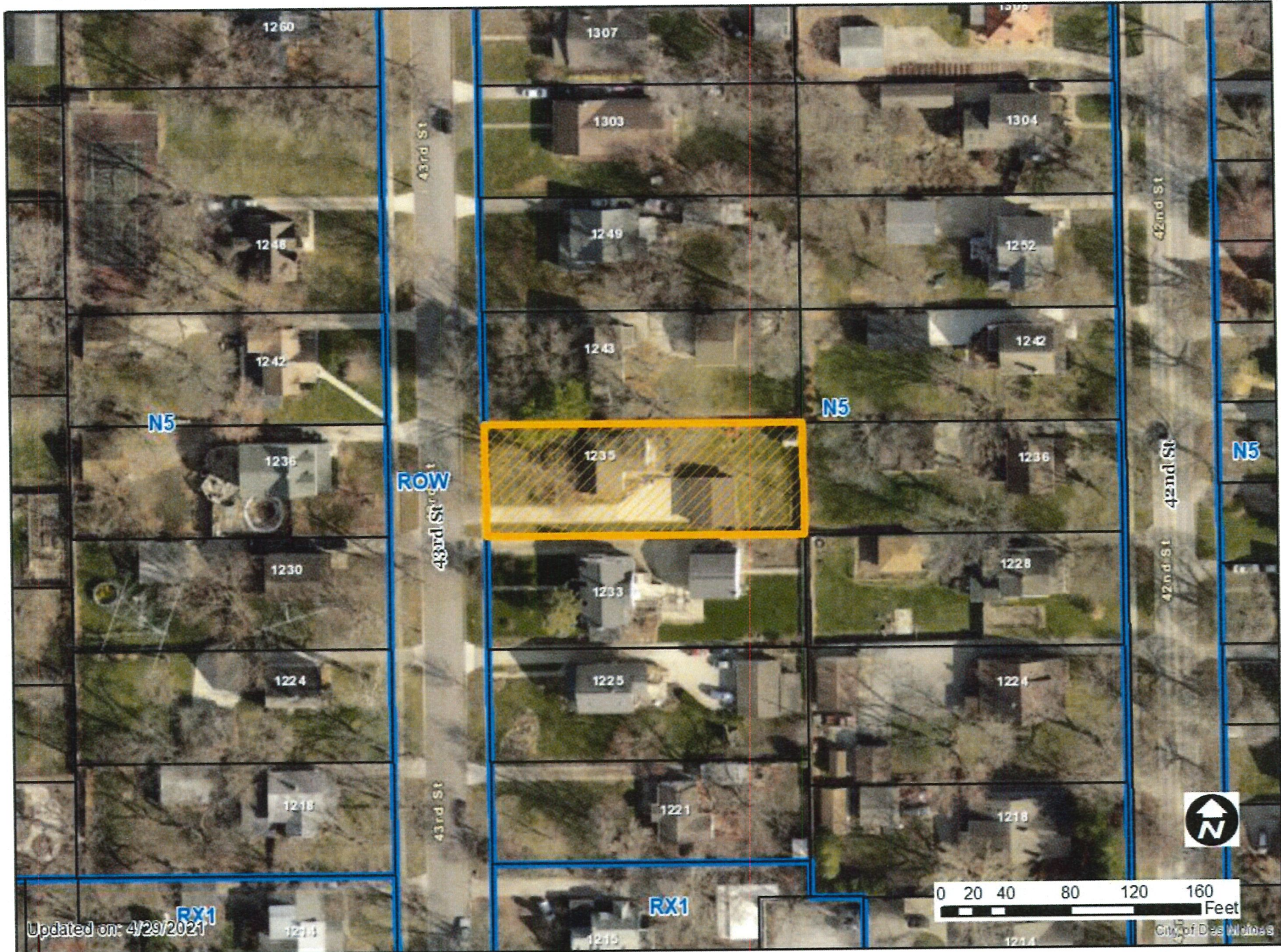


1 inch = 78 feet

Greg Lorang and Elissa Cirignotta, 1235 43rd Street

21-2021-4.15

67



Updated on: 4/29/2021

City of Des Moines

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: [Signature]

Name: Thai Luong

Address: 1242 42nd St. 50311

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: [Signature]

Name: Kendra [Signature]

Address: 1214 42nd St, DSM 50311

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAY 14 2021

Signature: *Christina Yeager*
 Name: Christina Yeager
 Address: 1242 43rd St. DM, IA

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

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAY 14 2021

Signature: *Norlene Gagne*
 Name: Norlene Gagne
 Address: 6215 43rd St

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

Staff Use Only

Signature: Cynthia Lane

Name: Cynthia J. Lane

Address: 1304 42nd St.

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.

Donna B. Darden
607 Haish Boulevard
DeKalb, IL 60115
(owner of 1243 43rd Street, Des Moines, IA 50311)

May 19, 2021

Development Services Department
City Plan and Zoning Commission
Argonne Armory Building
602 Robert D. Ray Drive
Des Moines, IA 50309

Sent via email to: Planning@dmgov.org

RE: Notice of public hearing letter, re: Request to rezone from Greg Lorang and Elisa Cirignotta (owners) to rezone their property at 1235 43rd St., Des Moines, IA 50311 from "N5" Neighborhood District "N5-2" Neighborhood District to allow the use of the property for an Accessory Household Unit dwelling.

To the members of the Development Services Dept. and members of the Plan and Zoning Commission:

Thank you for contacting me at my current address (see above, in the letterhead) in IL. I will be moving to our home at 1243 43rd Street, Des Moines, IA 50311 soon. My husband and I appreciate receipt of notice from your office about Greg Lorang's and Elisa Cirignotta's request for approval to be rezoned as noted, above, in order to build an additional dwelling unit on their real estate at 1235 43rd Street, Des Moines, IA 50311. We also received their letter to notify us in advance of their proposed plans and prior to the Development Services Department's letter of the public hearing.

To summarize, my husband and I are not in favor of the rezoning being approved.

The property under consideration for rezoning is the property immediately south of our home. We noted in the owners' letter that the additional dwelling unit attached to their garage will be between 600 to 800 square feet. This would mean the additional unit will, in addition to a garage upper story for a home office, take up most of the back yard of the property. The garage as it stands now is 24' by 28' (which as I understand it, would be replaced, with an additional story above the new garage and with the proposed attached additional dwelling unit) and the resulting building will be of an enormous size, taking up a major portion of the back yard.

We are against the additional dwelling unit and the increased height of the garage because it will greatly impact our beautiful, residential neighborhood and make the property next door appear as some sort of business compound, with minimal green space and/or as having two separate homes. I looked up the City of Des Moines ordinance/Plan and Design code and found the homes on our block and neighborhood to be building type "D." I read that the specifications for a zoned "N5" residential property are that buildings should not occupy more than 25% of the lot and the "impervious" areas of the lot should not total more than 50% of the lot space. Given the overhead view of the subject property as it stands, it looks as if it already has 25% of the lot used for buildings. I could not find in the ordinance whether an additional dwelling unit changes all this. I assume the "impervious 50%" is to assist with drainage within residential lots in the City, which would be very important to nearby properties; we do not want to have new drainage problems created for our home and yard.

It will definitely change the light and air coming into the sunny, back portion of our yard to have a large, additional building constructed right next door. I purchased the home because of its large, sunny portion in the back portion of the backyard, and we plan on continuing our flower garden and having the opportunity for a vegetable garden, an improvement over the one potted tomato plant we have now at our current home.

We are realistic in knowing that Mr. Lorang and Ms. Cirignotta may not reside for many years into the future in their home and will sell it. However, once they move, it will be nearly a certainty that any new owner will rent the accessory dwelling unit and perhaps the home as well. I have been told that one cannot prevent homes to be used for rental units in Des Moines, but it will be nearly a certainty that the property under discussion would become a rental with a separate dwelling unit already on it when a new owner buys it in the future.

We feel that this large, new construction project will significantly change the character of our neighborhood and the homes surrounding 1235 43rd Street if the zoning is changed to "N5-2." I don't think there are many, if any, other residential homes and properties in our area that have additional dwelling units on the lots and none with one that is as large as what is proposed in this situation. (There may be one home with space above the garage). Having an additional dwelling unit such as the one being planned can also have an adverse affect on any of the surrounding homeowners' ability to market their homes in the future in what is now, as I have been told by contractors, friends, neighbors, etc., a very desirable neighborhood. The rezoning that has been requested, approved, will change the environment and our own feelings of appreciation for our home right next door to the property under consideration.

We respectfully request that the zoning change be disapproved and denied and the property owners' building plans not be approved. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Donna B. Darden".

Donna B. Darden

(Spouse: Thomas Darden; our phone numbers: (815) 758-1236, or (815) 508-2285)