Agenda	Item	Number
		22

Date March 7, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM WENDY STEFFES AND DAVE STEFFES TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 514 FOSTER DRIVE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 17, 2022, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Wendy Steffes and Dave Steffes (owners) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 514 Foster Drive ("Property") from Parks and Open Space to Low Density Residential to allow rezoning to Limited 'N1a' Neighborhood District to allow this to be combined with the adjacent parcel for the construction of a cabana; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 17, 2022, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Wendy Steffes and Dave Steffes (owners) to rezone the Property from 'P2' Public, Civic and Institutional District to Limited 'N1a' Neighborhood District for the above-stated purpose, subject to provision of the following setbacks for any primary or accessory building:

- 1. A minimum of 17 feet from the north property line; and
- 2. A minimum of 32 feet from the west property line; and

WHEREAS, the Property is legally described as follows:

A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER LOT 34, LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 87°(DEGREES) 59'(MINUTES) 18"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 250.14 FEET; THENCE NORTH 0°03'50" EAST, 30.02 FEET; THENCE SOUTH 87°59'18" EAST, 250.14 FEET; THENCE SOUTH 0°03'50" WEST, 30.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7504 SQ. FT.)

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, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held

*	Roll	Call	Number
---	------	------	--------

Agenda Item Number

Date March 7, 2022

at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on March 21, 2022, at which time the City Council will hear both those who oppose and those who favor the proposals.

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.

MOVED BY TO ADOPT- SECONDED BY			
IVIO VED DI TO ADOPI- SECONDED BY	MOVED DV	TO ADODE CECONDED DV	
	MOVEDBI	TO ADOPT- SECONDED BY	

FORM APPROVED:

Judy K. Parks-Kruse Assistant City Attorney

(ZON2022-000010; ZON2022-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			ROVED

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.

3.4	City Clerk
Mayor	City Citik



February 22, 2022

Communication from the City Plan and Zoning Commission advising that at their February 17, 2022 meeting, the following action was taken regarding a request from Wendy Steffes & Dave Steffes (owners) to rezone property located at 514 Foster Drive from "P2" Public, Civic, and Institutional District to "N1a" Neighborhood District, to allow this to be combined with the adjacent parcel for the construction of a cabana.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X	•		
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	Χ			
Jann Freed	X			
Todd Garner				Х
Johnny Alcivar				X
Lisa Howard	Χ			
Carolyn Jenison	Χ			
William Page	Χ			
Andrew Lorentzen	Χ			
Greg Wattier				Х
Emily Webb	Χ			

APPROVAL of Part A) The requested "N1a" District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Low Density Residential.

Part C) Approval of the request to rezone the property from "P2" Public, Civic, and Institutional District to "N1a" Neighborhood District, subject to provision of the following setbacks for any primary or accessory building:

1. A minimum of 17 feet from the north property line.

2. A minimum of 32 feet from the west property line.

(ZONG-2022-000005)

Written Responses
0 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested "N1a" District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Low Density Residential.

Part C) Staff recommends approval of the request to rezone the property from "P2" Public, Civic, and Institutional District to "N1a" Neighborhood District, subject to provision of the following setbacks for any primary or accessory building:

- 1. A minimum of 17 feet from the north property line.
- 2. A minimum of 32 feet from the west property line.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to rezone the subject property to "N1a" District to allow the construction of a pool cabana consisting of an elevated deck with roof and enclosed storage room. The proposed structure would be located approximately 320 feet west of the Foster Drive right-of-way, 35 feet from the west property line, 19.5 feet from the north property line, and approximately 75 feet from the CITA trail. The CITA trail's closest point to the property line is approximately 55 feet. The applicant recently updated the structure to include enclosed walls to facilitate an improved structural design. The applicant requested updated setbacks to allow for an increased building size to accommodate enclosed walls. Staff believes that the new proposed structure's dimensions would be appropriate so long as the structure remains within the existing retaining walls.

Submitted site sketches indicate the proposed structure would be located on a portion of the subject property that has been graded into two terraces with the structure proposed to sit on the lower terrace, approximately 4 feet below street level grade. The proposed structure would be approximately 14.5 feet tall, thus 10.5 feet of the structure

would be partially visible from the Foster Drive frontage. The adjoining property, addressed as 514 Foster Drive, is owned by the applicant and measures 3.122 acres (135,997 square feet).

Any future construction or redevelopment of the subject property must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

- 2. Size of Site: 7,504 square feet (0.172 acres).
- 3. Existing Zoning (site): "P2" Public, Civic, and Institutional District.
- 4. Existing Land Use (site): Undeveloped lot.
- 5. Adjacent Land Use and Zoning:

North - "P2"; Use is parks and open space (Ashworth Park).

South - "N1a"; Uses are one-household residential.

East – "N1a"; Uses are one-household residential.

West - "P2"; Use is parks and open space (Ashworth Park).

- **6. General Neighborhood/Area Land Uses:** The subject property is bounded by 514 Foster Drive to the south, 424 Foster Drive to the east, and Ashworth Park to the north and west. The area consists of one-household residential and open space/public uses.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the Linden Heights Neighborhood Association and within 250 feet of the Westwood Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 28, 2022 and by mailing of the Final Agenda on February 11, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on January 28, 2022 (20 days prior to the public hearing) and February 7, 2022 (10 days prior to the public hearing) to the Linden Heights and Westwood 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 Linden Heights Neighborhood mailings were sent to Carol Bower Broms, 7 Foster Drive, Des Moines, IA 50312. The Westwood Neighborhood mailings were sent to Diane Kuhn, 5320 Welker Avenue, Des Moines, IA 50312.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: On November 23, 2020, by Roll Call No. 20-1769, the City Council approved vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive to allow an existing driveway encroachment onto Ashworth Park property to be swapped in a land exchange agreement with additional land for

expansion of Ashworth Park to incorporate existing nature trails that are now located on and crossing through the far west section of the Steffes' property. On December 7, 2020, by Roll Call No. 20-2053, the City Council approved the final documents.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Parks and Open Space.
- 10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the lowa 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 lowa 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" to "Medium Density Residential". Plan DSM describes these designations as follows:

<u>Parks and Open Space:</u> Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.

<u>Low Density Residential:</u> Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.

The subject property is currently zoned "P2" District. The Zoning Ordinance describes this district as "intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites."

The applicant is proposing to rezone the subject property to the "N1a" District. The Zoning Ordinance describes this district as "intended for large lots for mostly single-household residential houses with a more flexible building form pursuant to House A building type in section 135-2.13 of this code."

Staff believes the proposed amendment to the comprehensive plan is appropriate as the subject property is now owned privately and the property is no longer intended to be reserved for natural resource conservation.

2. Development Regulations: Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare design information for review before a building permit can be issued.

Staff notes that grading and retaining wall construction has been completed that was not reviewed by the Permit and Development Center. The applicant must demonstrate to the satisfaction of PDC staff that the retaining walls can support the grade. This will likely require documentation prepared by an engineer.

3. Staff Rationale: The applicant is proposing to rezone the subject property from "P2" Public, Civic, and Institutional District to "N1a" Neighborhood District as the subject property is now owned privately and to allow construction of a covered deck (pool cabana). The submitted site sketch and elevations indicate the proposed covered deck would be adjacent to a recently constructed pool and located within an area recently graded with retaining walls. Staff believes that the proposed rezoning would be appropriate given the current ownership and proposed use subject to the conditions identified in Section III of this report.

SUMMARY OF DISCUSSION

<u>Emily Webb</u> asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Dory Briles made a motion for approval of:

Part A) The requested "N1a" District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Low Density Residential.

Part C) Approval of the request to rezone the property from "P2" Public, Civic, and Institutional District to "N1a" Neighborhood District, subject to provision of the following setbacks for any primary or accessory building:

- 1. A minimum of 17 feet from the north property line.
- 2. A minimum of 32 feet from the west property line.

Motion passed: 12-0

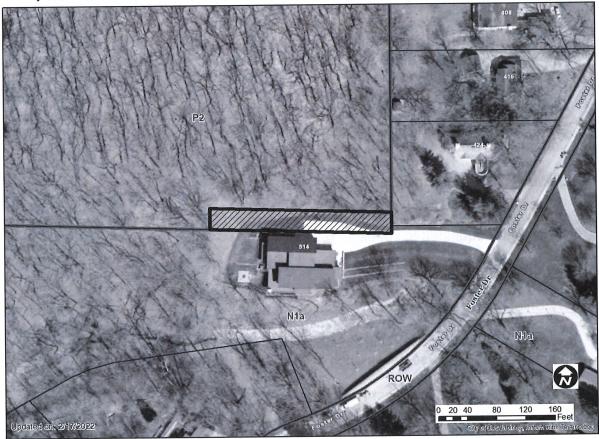
Respectfully submitted,

Jula Con

Jason Van Essen, AICP

Planning & Urban Design Administrator

JMV:tjh

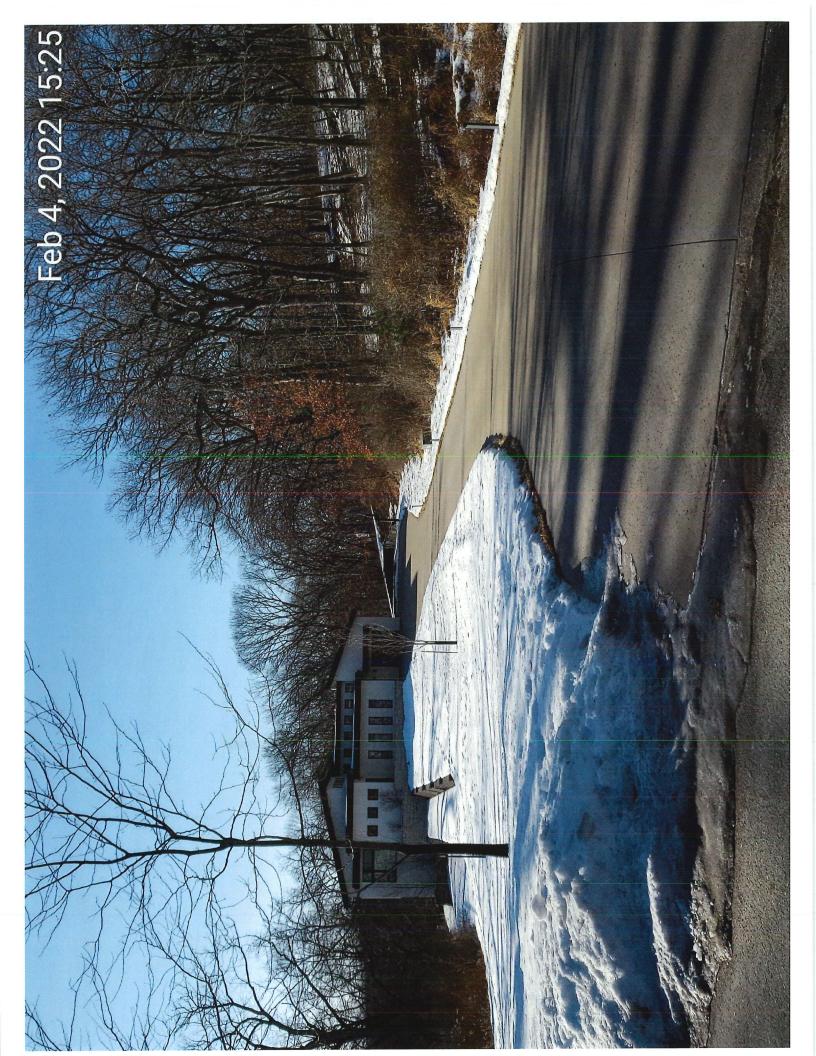


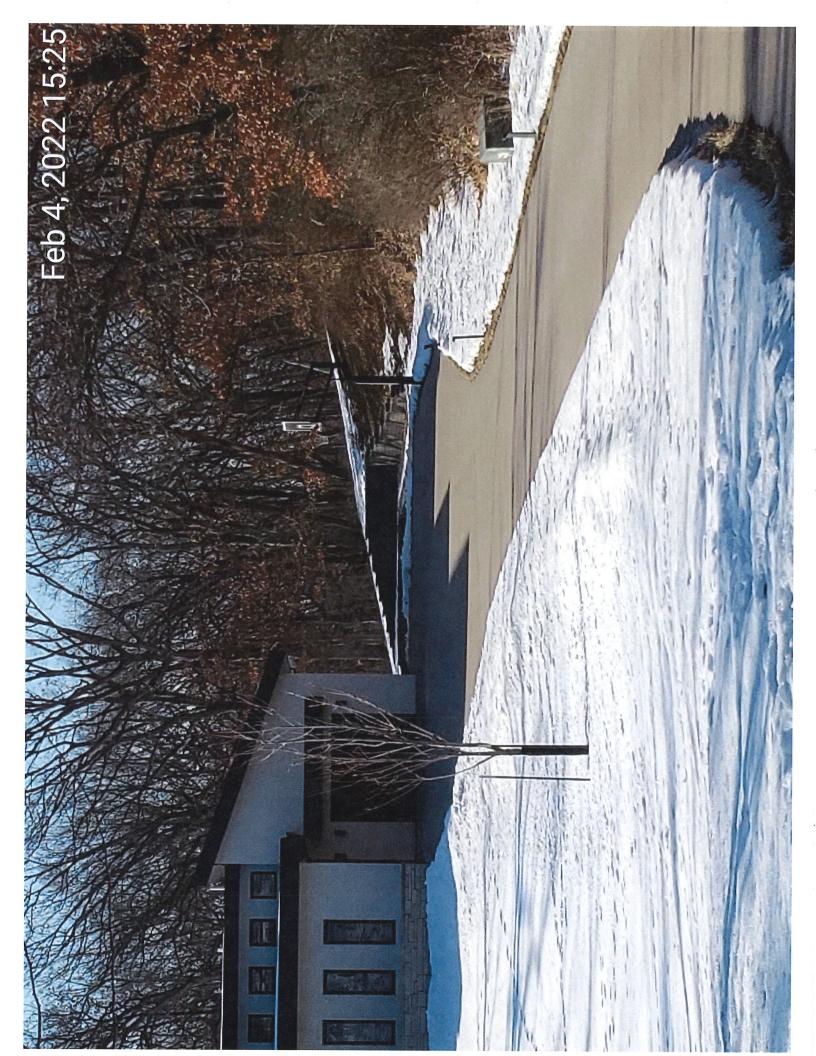
1 inch = 82 feet

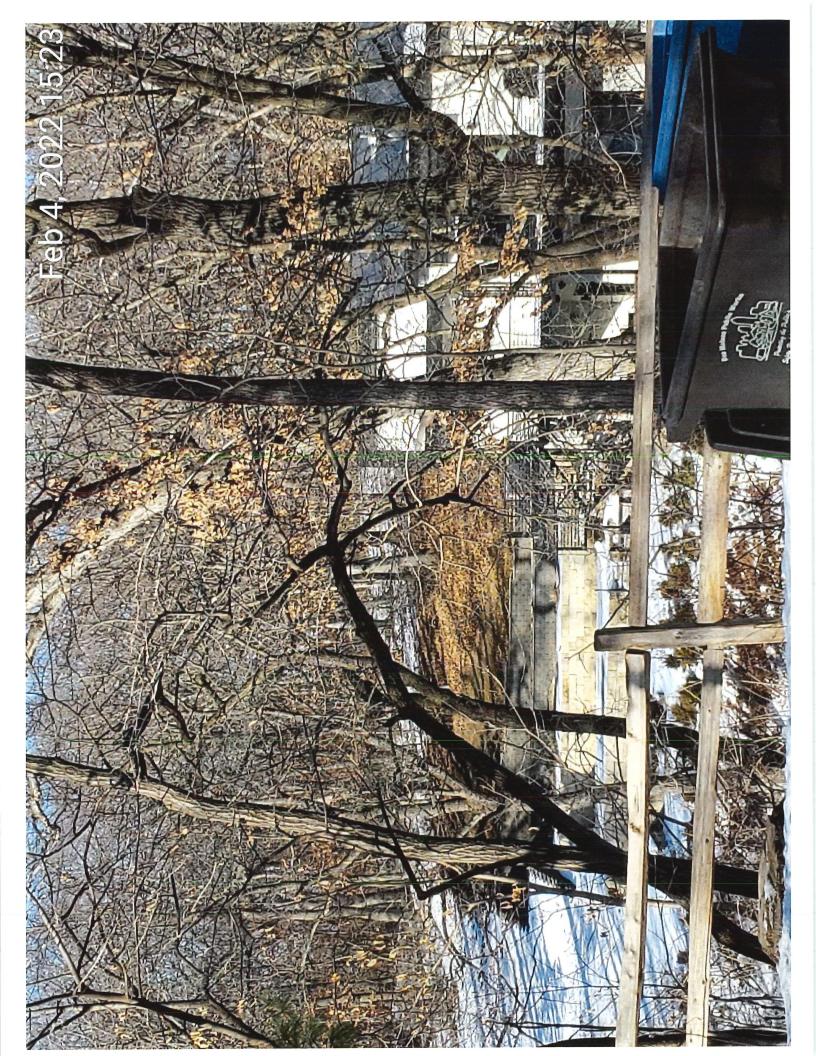


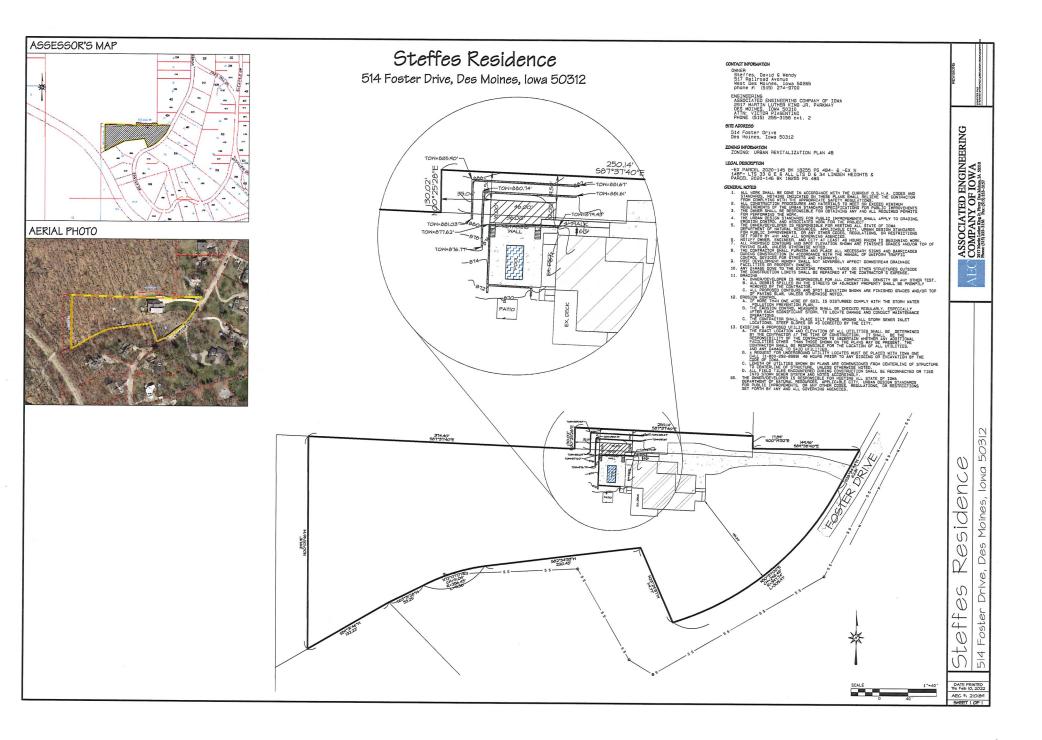


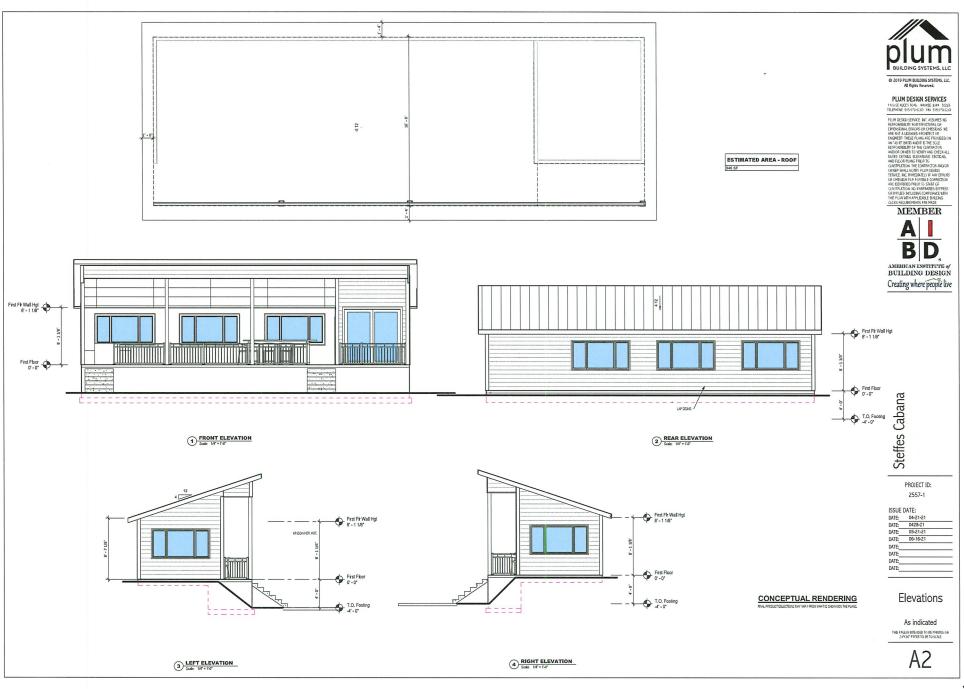






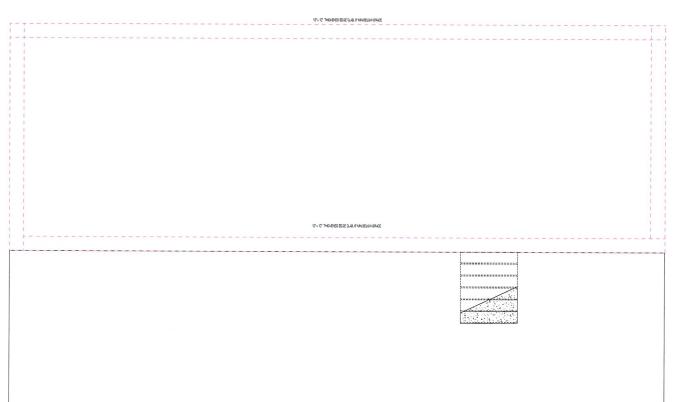














© 2019 PLUM BUILDING SYSTEMS, LLC. All Rights Reserved.

PLUM DESIGN SERVICES 1100 SE ALICES ROAD, MAUREE, ICMA 50263 TELEPHONE 515 978 6267 FAX 515 978 6261

TREDINGE SISPECTO AN INSPECTOR

PLAN EGOID SERVE N° COMMENT N° COMMENT

REPORTEDINAL ELEGIS ON CHESSION SE

REPORTEDINA CHESSION SE

REPORTEDINAL ELEGIS ON CHESSION SE

REPOR

MEMBER



AMERICAN INSTITUTE of BUILDING DESIGN Creating where people live

Steffes Cabana

PROJECT ID: 2557-1

ISSUE DATE:
DATE: 04-21-21
DATE: 0428-21
DATE: 05-21-21
DATE: 06-16-21 DATE: DATE: DATE:

Foundation

1/2" = 1'-0" THIS PAGE IS INTENDED TO BE PRINTED ON 24"X36" PAPER TO BE TO SCALE

A4

GENERAL CONSTRUCTION NOTES

- GENERAL COURS INCOLLINA NO LES

 FINENCIA COURS INCOLLINA NO LES

 OF CHINA CORROLLING CHINA DE TORICO SI CONCOLLINA

 SI ENERCIA CORROLLING CHINADO TO TORICO SI CONCOLLINA

 SI ENERCIA CORROLLING CHINADO TORICO SI CONCOLLINA

 SI ENERCIA CORROLLING CONCOLLINA CONCOLLINA

 SI ENERCIA CORROLLINA

 SI CONCOLLINA CONCOLLINA

 SI C

- OFFERDELLA IN THE PROTECTION OF THE PROTECTION O

- SCRIUM

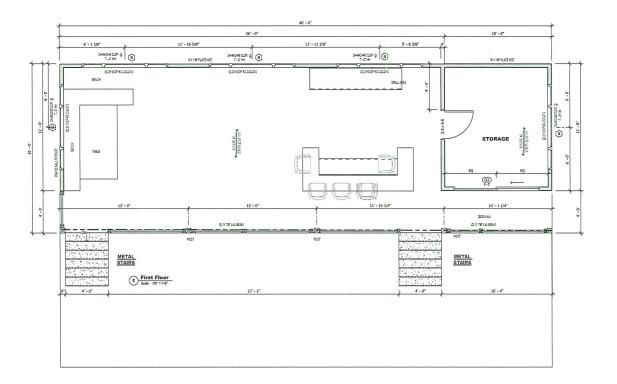
 SERVED VALLE BACKER PROSERVE DETAILS FOR DECIMAL PROPOSED OF SERVED AND SERVED OF SERVED

AREA SCHEDULE NAME SQ FT

Grand total: 1 735 SF

ESTIMATED AREA - 4" FLATWORK LOCATION AREA YARDS

ESTIMATED AREA - CEILING LEVEL | CEILING TYPE | AREA





© 2019 PLUM BUILDING SYSTEMS, LLC.
All Rights Reserved.

PLUM DESIGN SERVICES 1100 SE AUCE'S ROAD MAUYEE MINA 50263 TELEPHONE 515 978 6060 FAI 515 978 6061

THE PRINCE SESSION OF THE STATE OF THE STATE OF THE SESSION OF THE STATE OF THE SESSION OF THE S

MEMBER

AMERICAN INSTITUTE of

BUILDING DESIGN Creating where people live

Steffes Cabana

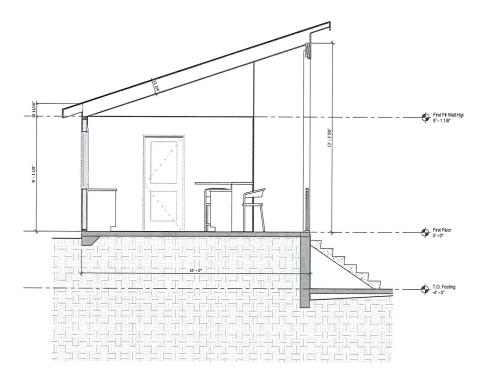
PROJECT ID: 2557-1

ISSUE DATE: DATE: 04-21-21 DATE: 0428-21 DATE: 05-21-21 DATE: 06-16-21 DATE: DATE:

Main Floor

3/8" = 1'-0" THIS PAGE IS INTENDED TO BE PRINTED ON 24"3.56" PAPER TO BE TO SCALE

A5





© 2019 PLUM BUILDING SYSTEMS, LLC.
All Rights Reserved.

PLUM DESIGN SERVICES
1100 SE AUCES ROSIG WALKEE IEWA 50263
TELEPHONE 515 978 6267 FAX 515 978 6261

TREMPINE SS STREAM OR SSPECIAL TO AN SSPECIAL THE RESIDENCE OF THE RESIDEN

MEMBER



AMERICAN INSTITUTE of BUILDING DESIGN Creating where people live

Steffes Cabana

PROJECT ID: 2557-1

ISSUE DATE:

DATE: 04-21-21

DATE: 0428-21

DATE: 05-21-21

DATE: 06-16-21

DATE:

Building Sections

1/2" = 1'-0"

THIS PAGE IS INTENDED TO BE PARTED ON 247.56" PAPER TO BE TO SCALE

A6

Jonathon Schroeder Shareholder

jonathon.schroeder@dentons.com D 515-246-7901 Dentons Davis Brown PC 2605 Northridge Pkwy Ames, IA 50010 United States dentons.com

February 14, 2022

City of Des Moines Planning and Zoning 602 Robert D. Ray Drive Des Moines, Iowa 50309 (via email to: NHMeeting@dmgov.org)

RE: Steffes Rezoning Application - Summary of Neighborhood Meeting

Dear Members of the Planning and Zoning Commission,

I am contacting you on behalf of my clients, David and Wendy Steffes, regarding their pending rezoning application for the small parcel immediately adjacent to 514 Foster Drive, Des Moines. As required by Des Moines Ordinance Section 134-6.1.6, this correspondence is intended to provide the Planning and Zoning Commission Members with a summary of the neighborhood meeting.

The neighborhood meeting for the Steffes' proposed rezoning was held on February 9, 2022 at 6:00 p.m. via Zoom and telephone conference. Notice of the neighborhood meeting was sent to property owners and neighborhood associations within 250 feet of the property. That notice was sent via regular mail on February 1, 2022 to all persons listed on the provided spreadsheet from the City of Des Moines. A copy of the spreadsheet provided by the City is attached. In attendance at the meeting was myself and Diane Kuhn on behalf of the Westwood Neighborhood Association. The meeting was brief, with Ms. Kuhn asking general questions about the location and intent of the property. After discussions, Ms. Kuhn confirmed that the Westwood Neighborhood Association has no concerns with the rezoning and made no suggested changes.

Please reach out to me if you have any questions.

Sincerely,

Jonathon L. Schroeder

Shareholder

Encl.

Cc: David and Wendy Steffes (via email only)

