

Date August 7, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM S&S HOMEBUILDERS, LLC (OWNER), REPRESENTED BY NICK STEPHENSON (OFFICER), FOR PROPERTY LOCATED AT 3605 EAST 56TH STREET, TO REZONE THE PROPERTY FROM “N1A” NEIGHBORHOOD DISTRICT TO “N2B-2” NEIGHBORHOOD DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from S&S Homebuilders, LLC (Owner) represented by Nick Stephenson (Officer), for property located at 3605 East 56th Street, to rezone the property from “N1a” Neighborhood District to “N2b-2” Neighborhood District, to subdivide and allow development of the property into three (3) lots with two household units per lot and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0994, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on August 7, 2023, 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said 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 located at 3605 East 56th Street, from “N1a” Neighborhood District to “N2b-2” Neighborhood District, and legally described as follows:

PARCEL “H” IN PART OF THE NW ¼ OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., AS SHOWN IN THE PLAT OF SURVEY FILED WITH THE POLK COUNTY RECORDER’S OFFICE ON NOVEMBER 2, 2011 IN BOOK 14036, PAGE 999 AND CONTAINING 10.00 ACRES, MORE OR LESS

AND

BEGINNING AT THE SW CORNER OF THE NORTH 40 ACRES OF THE NORTH ½ OF THE NW ¼ OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THENCE EAST 200 FEET; THENCE NORTH 213 FEET; THENCE WEST 200 FEET; THENCE SOUTH 213 FEET TO THE POINT OF BEGINNING.

Date August 7, 2023

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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to “N2b-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. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill
 Chas M. Cahill
 Assistant City Attorney

(ZONG-2023-000028)

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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 8/7/23

Agenda Item 50

Roll Call # _____

July 11, 2023

Communication from the City Plan and Zoning Commission advising that at their July 6, 2023 meeting, the following action was taken regarding a request from S&S Homebuilders, LLC (owner), represented by Nick Stephenson (officer) to rezone property located at 3605 East 56th Street from “N1a” Neighborhood District to “N2b-2” Neighborhood District, to subdivide and allow development of the property into three (3) lots with two household units per lot.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				

APPROVAL of Part A) The requested “N2b-2” District be found in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

Part B) Approval of the request to rezone the property from “N1a” Neighborhood District to “N2b-2” Neighborhood District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N2b-2” District be found in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

Part B) Staff recommends approval of the request to rezone the property from “N1a” Neighborhood District to “N2b-2” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct 3 dwellings of two households each on the subject property. To facilitate this, the applicant would subdivide the property from one to three parcels and rezone all three parcels to “N2b-2” District.

Any future construction or redevelopment of the subject properties 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:** 0.728 acres (31,712 square feet).
3. **Existing Zoning (site):** “N1a” Neighborhood District.
4. **Existing Land Use (site):** The site is currently an undeveloped lot.
5. **Adjacent Land Use and Zoning:**
 - North** – “N1a”; Use is retail and warehouse.
 - South** – “P2” & “N2b”; Use is assembly and residential.
 - East** – “N1a”; Use is retail and warehouse.
 - West** – “PUD” Brook Landing PUD; Use is predominantly a mix of single-household and multiple-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of East 56th Street between East Douglas Avenue and Brook View Avenue. The surrounding area predominantly consists of a mix of single-household and multiple-household residential.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood Association and is within 250 feet of the Brook Run Neighborhood Association. All neighborhood associations were notified of the July 6, 2023, public hearing by emailing the Preliminary Agenda on June 16, 2023, and the Final Agenda on June 30, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 16, 2023 (20 days prior to the public hearing) and June 26, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All 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 Brook Run Neighborhood mailings were sent to Kelly Lynn, 5120 Walnut Ridge Drive, Des Moines, IA 50317. The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low-Medium 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 has a future land use designation of "Low-Medium Density Residential". PlanDSM describes the designation as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

The subject parcel is currently zoned "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."

The applicant is proposing to rezone the parcel to the "N2b-2" District. The Zoning Ordinance describes the "N2b" District as, "intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code." The Zoning Ordinance describes the "N District Extension -2" as "N districts locations labeled with a "-2" extension, the maximum number of household units permitted per lot is two, pursuant to section 134-3.1.2 of this chapter. Refer to the building type regulations in article 2 of chapter 135 of this code for the permitted building types and configuration of the units within the building types."

Staff believes the proposed rezoning is in conformance with the existing land use designation. The subject property is located in an area with a mix of single-household and multiple-household residential uses. The existing Low-Medium Density Residential designation would allow a maximum density of 12 units per acre. The 0.728-acre subject property would be allowed to have a maximum of eight (8) dwelling units.

2. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
3. **Nature Features:** Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Utilities:** Public sanitary sewer and storm sewer do not front the subject property but are located approximately 225 feet to the south in the East 56th Street public right-of-way. An 8-inch distribution main is located in the west side of the East 56th Street public right-of-way.
5. **Urban Design:** If rezoned to “N2b-2” District, any two-household residential use would need to be constructed in accordance with the House A building type.

Based on the currently submitted conceptual site sketch, staff anticipates that the following design alternatives may be necessary: the maximum impervious front yard coverage, the maximum allowed driveway coverage in a front yard area, the minimum above-grade finished floor areas, principal entrance configuration, and building articulation. A full review will be completed at the time building permits are sought by the applicant.

6. **Traffic/Street System:** The submitted site sketch indicates three 2-unit townhome buildings would be situated off a common private north-south drive with one access located off the private drive for the adjoining property. Vehicular access to the site will be finalized at the platting and permitting phase.

Staff notes that a public trail is planned for East 56th Street and should be included in the applicant’s site plan submittal.

7. **Planning and Design Ordinance:** 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 a Site Plan and building elevations for review before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Emily Webb asked if the applicant agrees with the staff recommendation.

Sreyoshi Chakraborty stated yes.

Carol Maher asked if the N-2 zoning district would allow up to 8 units.

Sreyoshi Chakraborty stated the N-2 zoning district would allow 2 residential units, per lot.

Jason Van Essen stated the zoning would only allow duplex configurations but there is enough land area to provide 8 units based on the densities support by the Future Land Use Map designation for the property.

Nick Stephenson, S&S Homebuilders, 3701 62nd Street stated they would comply with the city's tree mitigation ordinance and allowed driveway coverage in the front yard area. They also confirmed the private drive would provide necessary space for incoming and outgoing traffic. Conceptually, this development would fit the character of the surrounding neighborhood and provide a more affordable option in the area.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Justyn Lewis made a motion for:

Part A) The requested "N2b-2" District be found in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

Part B) Approval of the request to rezone the property from "N1a" Neighborhood District to "N2b-2" Neighborhood District.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 6/14/2023

1 inch = 103 feet

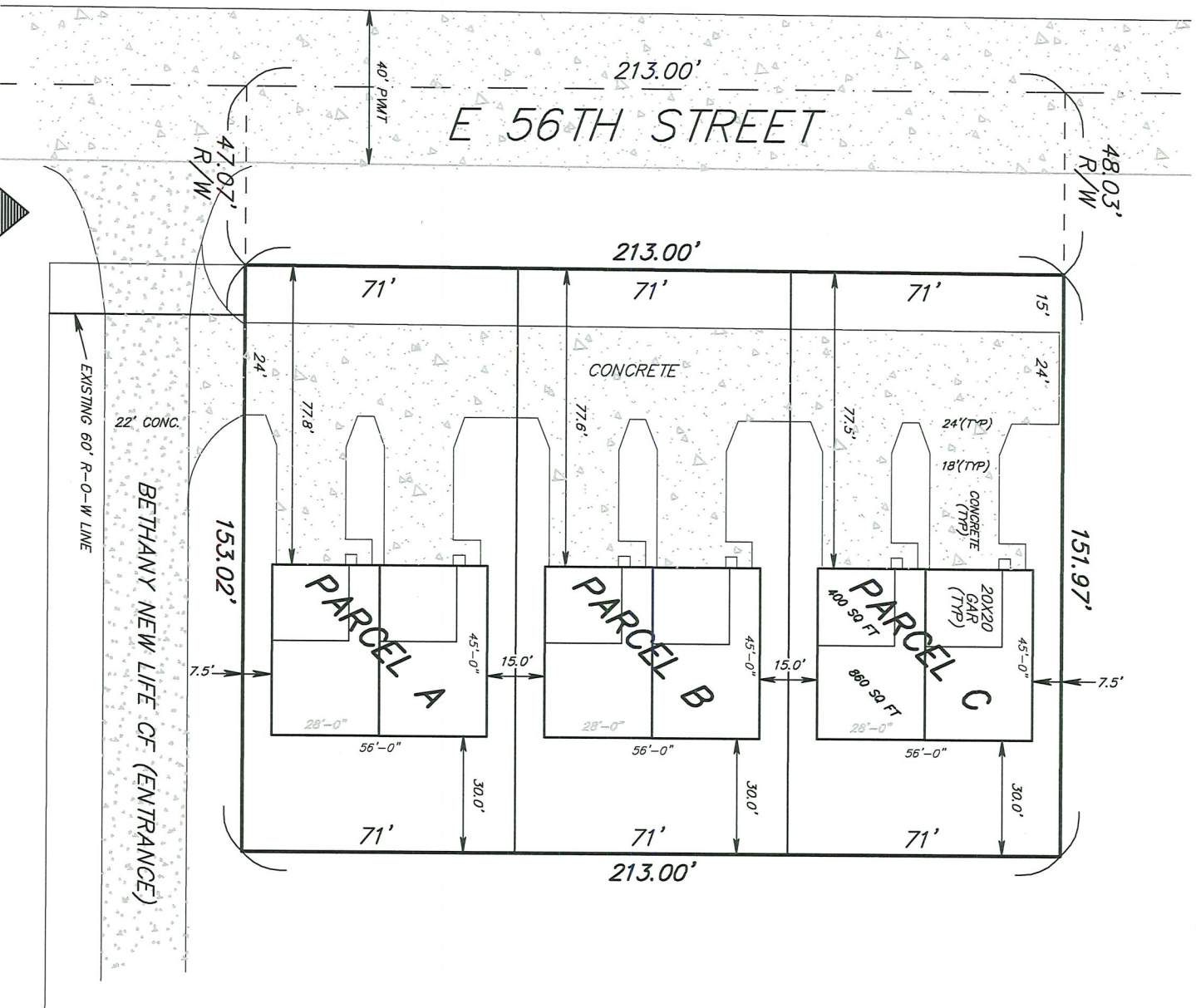




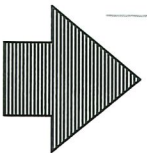
CONCEPT SITE PLAN A
S & S HOMEBUILDERS

3605 NE 56TH STREET, ALTOONA, IA

W 200' S 213' N 40A N1/2 NW1/4 LESS .22A RD SEC 26-79-23



DATE: 04-15-2023
 SCALE: 1"=40'

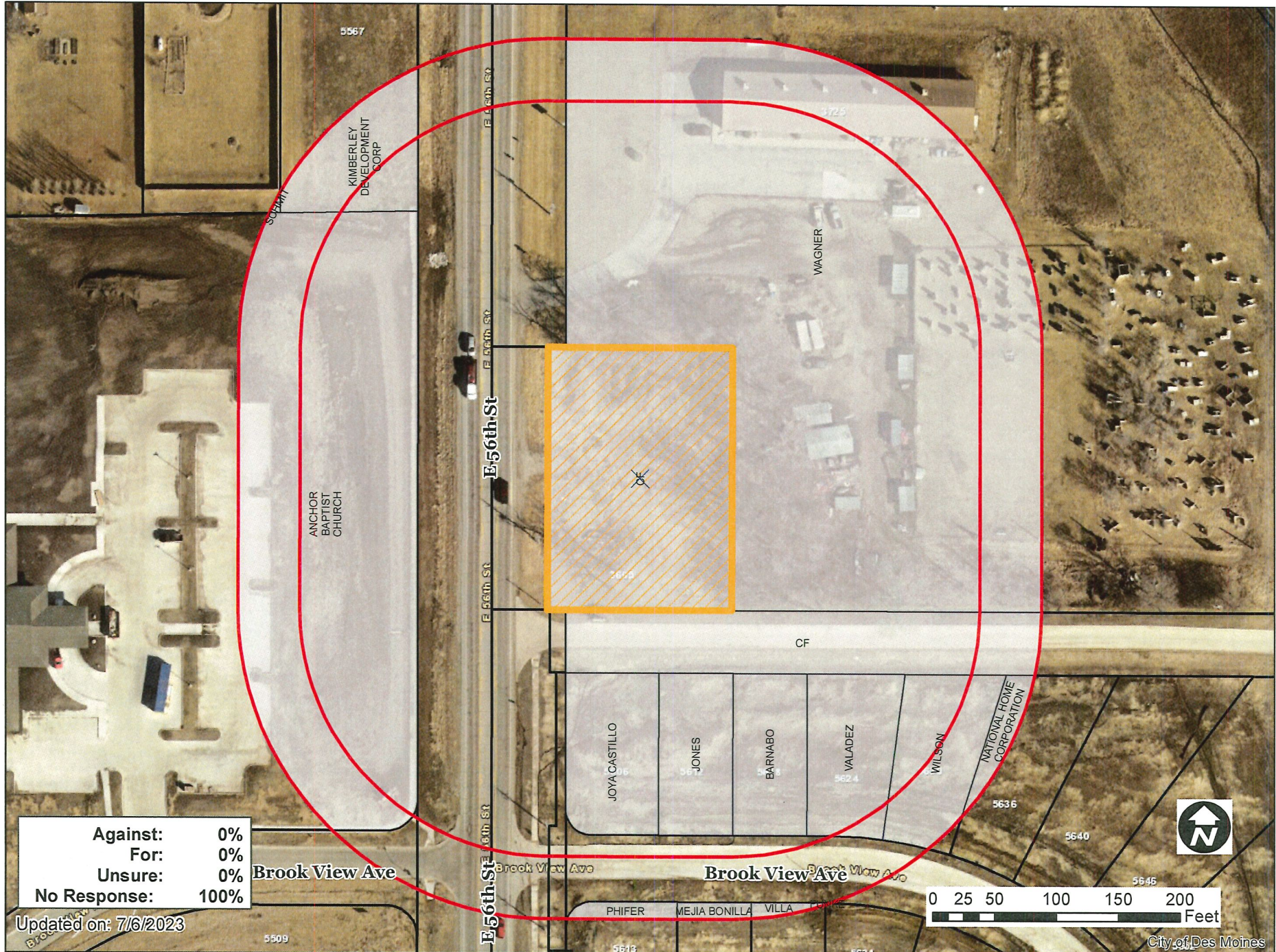


NOTE:
 RETRACEMENT SURVEY BOOK 11403, PG 233

ROSS LAND SURVEYING, inc
 www.rosslandsurveying.com

PO Box 336 Johnston, Iowa 50131
 PHONE: 515.254.2567

JOB # 8355 A



1 inch = 103 feet



Neighborhood Meeting Summary

Meeting date: June 16th 2023

Location: Parking lot of Bethany New Life Christian Fellowship

Time: 4pm – 5pm

On June 16th 2023 we held the neighborhood meeting in regards to our potential project located at 3605 E 56th St. The letters for the event were mailed out to the provided list of residents on June 2nd 2023. We had no response nor did we have anyone attend the meeting. I also included business cards and my personal cell phone number for those who may not be able to attend and didn't receive any calls on the project either.

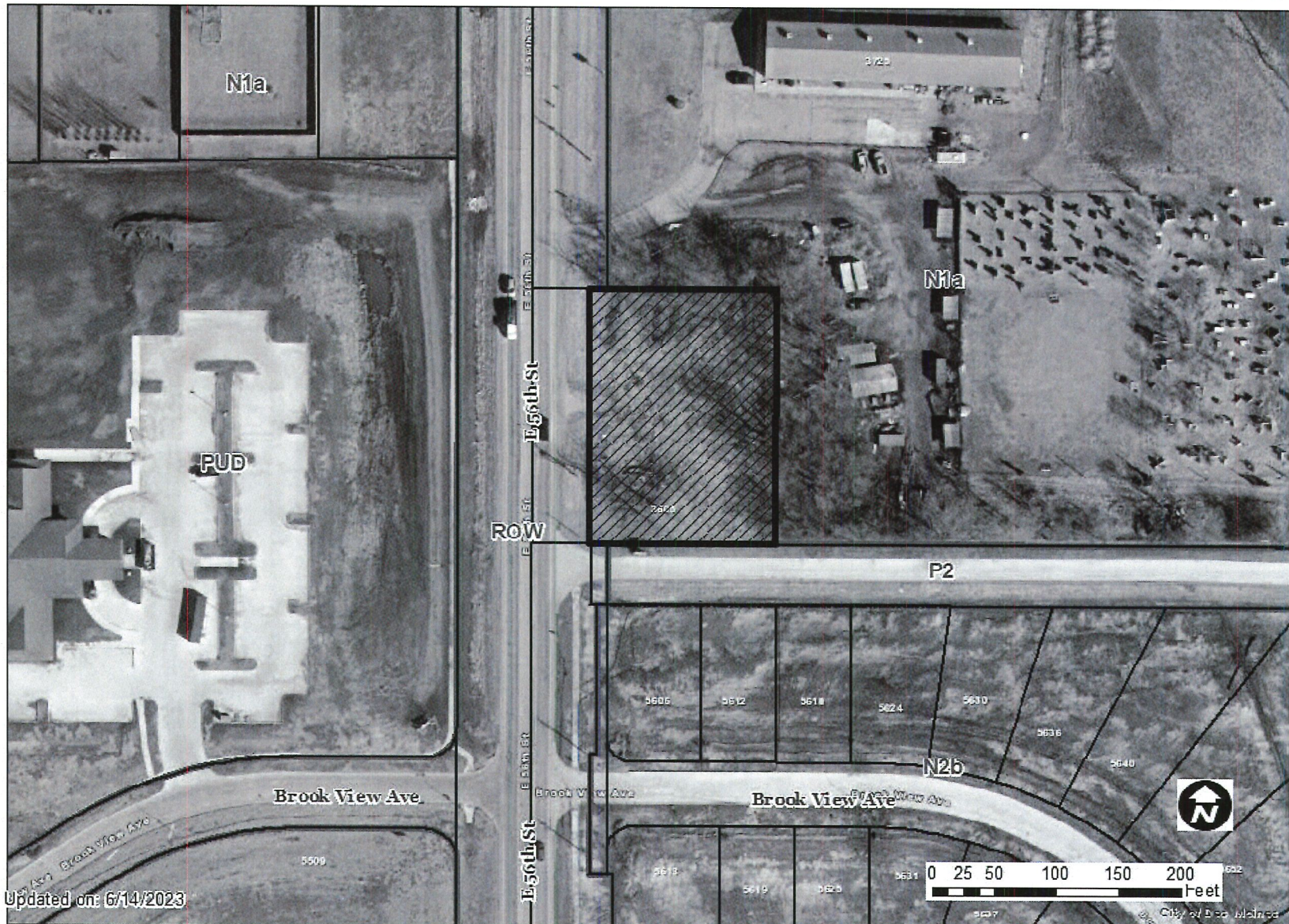
Please reach out with any further questions for me at 515-508-9087.

A handwritten signature in blue ink that reads "Nick Stephenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Stephenson
S & S Homebuilders

S&S Homebuilders, LLC, 3605 East 56th Street

ZONG-2023-000028



1 inch = 103 feet