



Date December 17, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM MULVIHILL FARMS, INC. TO
REZONE PROPERTY LOCATED AT 1145 AND 1147 24TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 6, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Mulvihill Farms, Inc. (owner), represented by Robert Mulvihill, Jr. (officer), to rezone property locally known as 1145 and 1147 24th Street ("Property") from "R1-60" Low Density Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use, subject to the following rezoning conditions:

1. The following uses of structures and land shall be prohibited upon the Property:
 - a. Adult entertainment businesses;
 - b. Animal hospitals, veterinary clinics, or kennels;
 - c. Automotive and motorcycle accessory and parts store;
 - d. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 - e. Automobile washing establishments;
 - f. Ballrooms and dance halls;
 - g. Billiards parlors, pool halls and game rooms;
 - h. Carpenter and cabinet making shops for retail custom work;
 - i. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
 - j. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
 - k. Delayed deposit services;
 - l. Drive-in theaters;
 - m. Garage for general motor vehicle repair;
 - n. Gas stations/convenience stores;
 - o. Lawn mower repair shops;
 - p. Liquor stores and other businesses where more than 40 percent of gross receipts is derived from the sale of alcoholic liquors, wine, beer and tobacco.
 - q. Locker plant;
 - r. Lumber yards;
 - s. Mini-warehouse;
 - t. Mobile home parks;
 - u. Monument sales yards;



Date December 17, 2018

- v. Off-premises advertising signs.
 - w. Pawn brokers;
 - x. Plumbing and heating shops;
 - y. Radio stations;
 - z. Sheet metal shops;
 - aa. Sign painting shops;
 - bb. Taverns and nightclubs; and
 - cc. Used car sales lots.
2. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District; and

WHEREAS, the Property to be rezoned is legally described as follows:

LOTS 25 AND 26 DRAKE UNIVERSITY 3RD ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF 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 at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 14, 2019, 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.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

MOVED BY _____ TO ADOPT.

(ZON2018-00234)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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



December 12, 2018

Date December 17, 2018

Agenda Item 31

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 6, 2018 meeting, the following action was taken regarding a request from Mulvihill Farms, Inc. (owner) represented by Robert Mulvihill, Jr. (officer) to rezone property located at 1145 and 1147 24th Street from "R1-60" One-Family Low Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use..

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler				X
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes				X
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			

APPROVAL of Part A) the proposed rezoning be found **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations; Part B)
APPROVAL of amending the PlanDSM Creating Our Tomorrow future land use

designation from Low/Medium Density Residential to Neighborhood Mixed Use; and Part C) **APPROVAL** of rezoning the subject property to a Limited "NPC" District subject to the following conditions:

1. The following uses of structures and land shall be prohibited upon the property:
 - a. Adult entertainment businesses;
 - b. Animal hospitals, veterinary clinics, or kennels;
 - c. Automotive and motorcycle accessory and parts store;
 - d. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 - e. Automobile washing establishments;
 - f. Ballrooms and dance halls;
 - g. Billiards parlors, pool halls and game rooms;
 - h. Carpenter and cabinet making shops for retail custom work;
 - i. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
 - j. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
 - k. Delayed deposit services;
 - l. Drive-in theaters;
 - m. Garage for general motor vehicle repair;
 - n. Gas stations/convenience stores;
 - o. Lawn mower repair shops;
 - p. Liquor stores and other businesses where more than 40 percent of gross receipts is derived from the sale of alcoholic liquors, wine, beer and tobacco.
 - q. Locker plant;
 - r. Lumber yards;
 - s. Mini-warehouse;
 - t. Mobile home parks;
 - u. Monument sales yards;
 - v. Off-premises advertising signs.
 - w. Pawn brokers;
 - x. Plumbing and heating shops;
 - y. Radio stations;
 - z. Sheet metal shops;
 - aa. Sign painting shops;

- bb. Taverns and nightclubs; and
- cc. Used car sales lots.

2. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

(21-2018-4.20) & (ZON2018-00234)

Written Responses

3 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow future land use designations from Low/Medium Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of rezoning the subject property to a Limited "NPC" District subject to the following conditions:

1. The following uses of structures and land shall be prohibited upon the property:
 - a. Adult entertainment businesses;
 - b. Animal hospitals, veterinary clinics, or kennels;
 - c. Automotive and motorcycle accessory and parts store;
 - d. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 - e. Automobile washing establishments;
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 - l. Drive-in theaters;
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 - z. Sheet metal shops;
 - aa. Sign painting shops;
 - bb. Taverns and nightclubs; and
 - cc. Used car sales lots.
2. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject site consists of two parcels, each of which contain a 5-unit residential building. The applicant also owns the property to the south (1139 24th Street), which is zoned Limited "NPC" District and occupied by a commercial use. The applicant would like to construct a parking lot on the subject property that would serve the residential buildings as well as the adjoining commercial property. The proposed rezoning is necessary for the proposed parking lot to be utilized by a commercial use at 1139 24th Street.
2. **Size of Site:** 80 feet by 160 feet (12,800 square feet or 0.294 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site contains two, 5-unit residential buildings.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-1"; Use is an office.
 - South** – "NPC"; Use is a commercial building.
 - East** – "R1-60"; Uses are a 3-unit residential building and a single-family dwelling.
 - West** – University Place "PUD"; Use a Holiday Inn Express hotel.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the east side of 24th Street just south of University Avenue. The site is in an area that includes a mix of residential and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on November 16, 2018 and a Final Agenda on November 30, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 16, 2018 (20 days prior to the public hearing) and November 26, 2018 (10 days prior to the public hearing) to the Drake Neighborhood Association 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. The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

8. **Relevant Zoning History:** None.
9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low-Medium Density Residential within a Neighborhood 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 Future Land Use Plan Designation:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The subject property is designated as Low-Medium Density Residential, which is described as "areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre."

The site is located within a Neighborhood Node on the Future Land Use Map that is centered on the University Avenue and 22nd Street intersection. Neighborhood Nodes are described as the smallest of the nodes in size and offering services that provide for basic daily needs of the local population. They may include restaurants, shops and small-scale businesses as well as low-medium and medium densities residential development.

Staff supports the proposed amendment to the Future Land Use Map. The properties to the south and west of the subject site are designated as Neighborhood Mixed Use. The properties to the north are commercially used and are a part of a commercial

district centered on University Avenue. Not all uses allowed by the "NPC" District are appropriate for this site since it is located in close proximity to residential uses. Therefore, staff recommends approval subject to the conditions listed in Section III of this report.

2. **Parking:** The proposed rezoning is intended to allow for the development of additional parking to better support the existing uses on the subject property as well as the commercial use on the property to the south. Parking will be further evaluated at such time that a site plan is submitted for review.
3. **NPC Design Guidelines:** Should the property be rezoned to "NPC" District, a site plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the "NPC" District. *(A site plan and building elevations has not been submitted for consideration at this time.)*
 - A) Buildings should frame the street and maintain a minimal setback from the street.
 - B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
 - C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
 - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
 - E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
 - F) Building frontage should occupy at least 50 percent of the primary street frontage.
 - G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring nonduplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more

attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

H) The following bulk regulations should be observed:

a. Minimum lot area:

- i. Single-family detached dwelling, 5,000 square feet.
- ii. Single-family semidetached dwelling, 3,000 square feet.
- iii. Two-family dwelling, 6,000 square feet.
- iv. Multiple dwelling, 10,000 square feet.
- v. Mixed-use project, 10,000 square feet.
- vi. Shelter for the homeless, 8,000 square feet.
- vii. No minimum requirement for permitted nonresidential uses.

b. Minimum lot area per dwelling unit:

- i. Row and multiple dwellings, 2,000 square feet.
- ii. Shelter for the homeless, 300 square feet of lot size for each resident.

c. Front yard: minimum of zero feet.

d. Side yards: minimum of zero feet.

e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.

f. Height: minimum of 15 feet, maximum of 45 feet.

g. Number of stories:

- i. Residential uses, a maximum of four stories.
- ii. All other permitted uses, a maximum of two stories.

I) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Will Page expressed gratitude for the aerial maps used on the staff reports.

Greg Wattier asked if a stand-alone parking lot is allowed in NPC zoning.

Jason Van Essen stated yes but that this project retains two multi-unit structures. The parking lot is proposed on the rear yard of those properties.

CHAIRPERSON OPENED THE PUBLIC HEARING

Robert Mulvihill stated he submitted this request to add more parking so his tenants don't have to park on the street.

Greg Wattier asked if he agreed with the staff recommendation.

Robert Mulvihill stated yes.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Dory Briles made a motion for Part A) the proposed rezoning be found **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations; Part B) **approval** of amending the PlanDSM Creating Our Tomorrow future land use designation from Low/Medium Density Residential to Neighborhood Mixed Use; and Part C) **approval** of rezoning the subject property to a Limited "NPC" District subject to the following conditions:

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- z. Sheet metal shops;
- aa. Sign painting shops;
- bb. Taverns and nightclubs; and
- cc. Used car sales lots.

2. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

Motion passed: 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Mulvihill Farms, Inc. (owner) represented by Robert Mulvihill, Jr. (officer) for property located at 1145 and 1147 24th Street.				File #
				21-2018-4.20
Description of Action	Amendment to the PlanDSM future land use classification from Low/Medium Density Residential to Neighborhood Mixed Use.			
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Proposed: Neighborhood Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Mulvihill Farms, Inc., 1145 and 1147 24th Street

21-2018-4.20

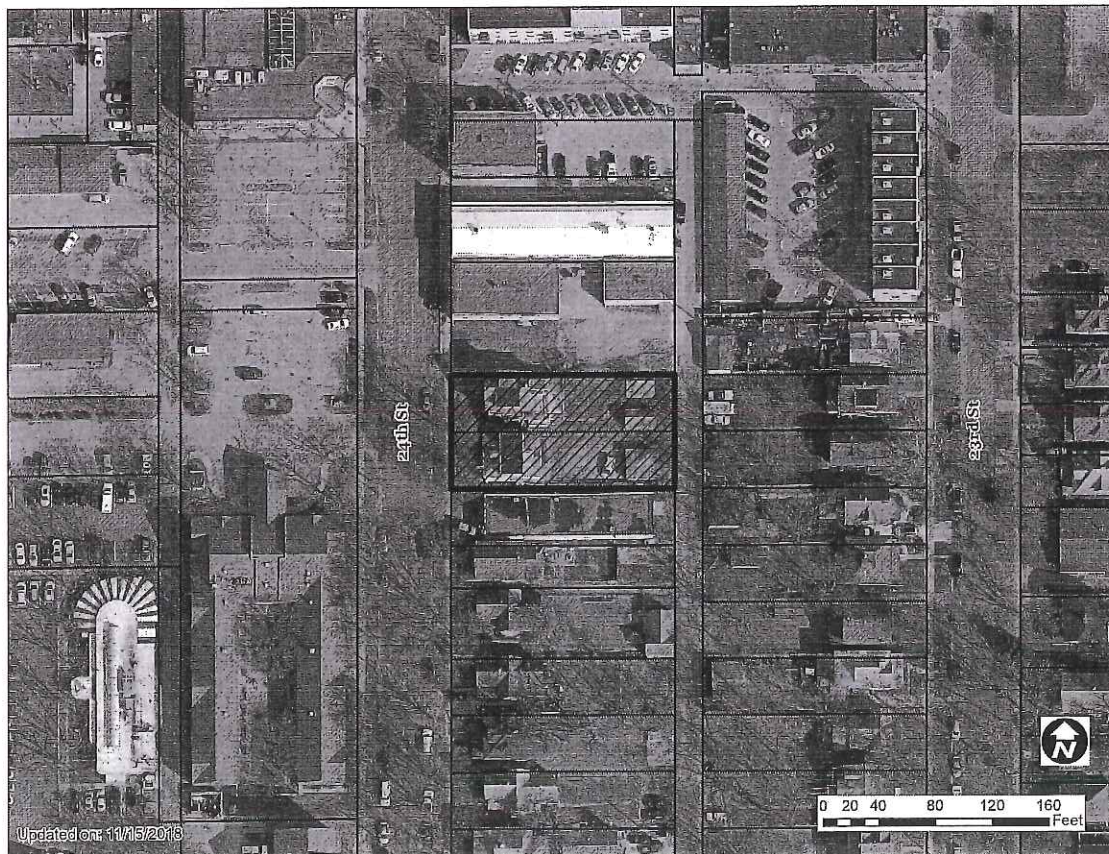


1 inch = 80 feet

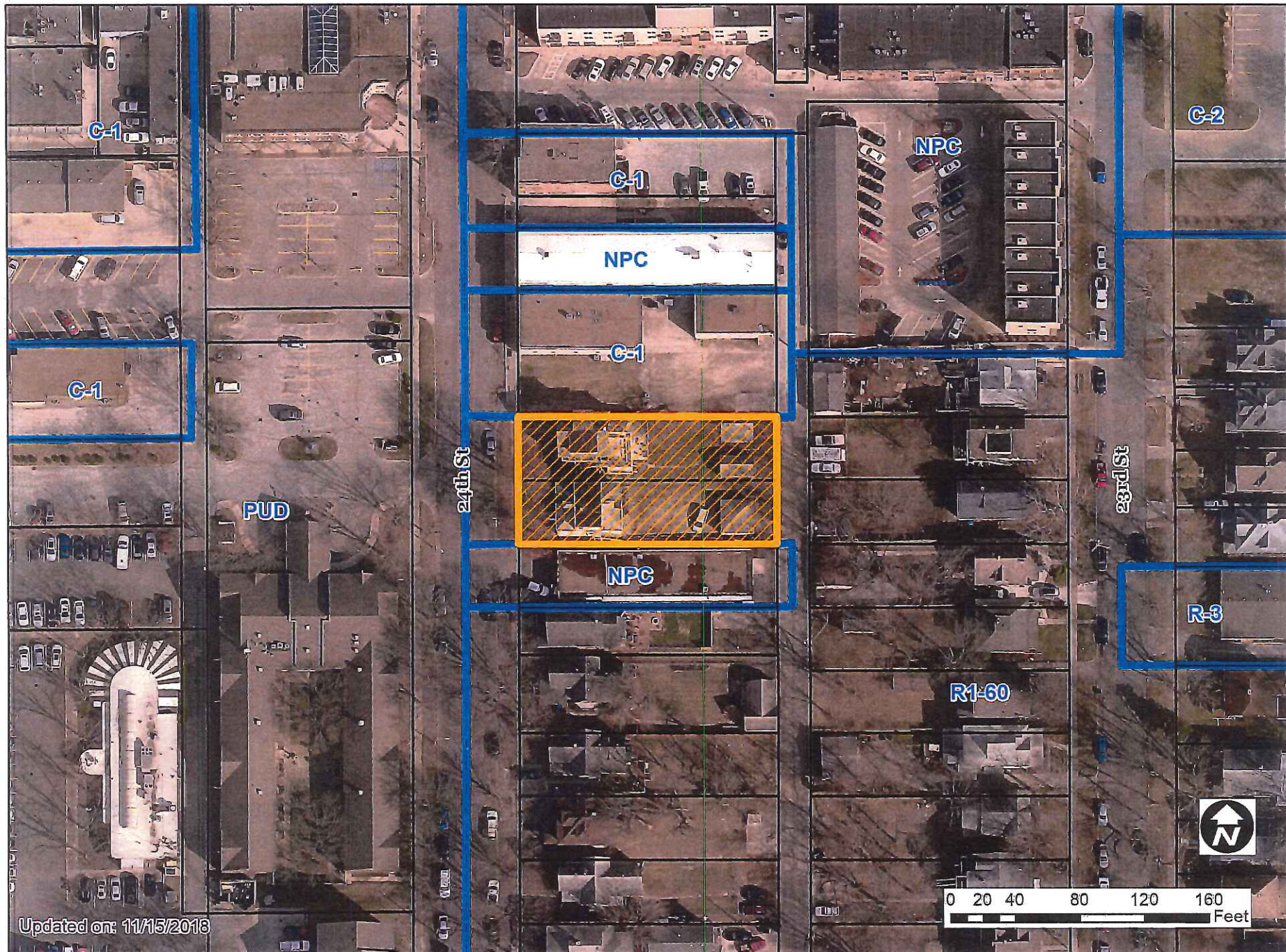
Mulvihill Farms, Inc. (owner) represented by Robert Mulvihill, Jr. (officer) for property located at 1145 and 1147 24th Street.				File #	
				ZON2018-00234	
Description of Action	Rezone the property from "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use.				
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	3	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Mulvihill Farms, Inc., 1145 and 1147 24th Street

ZON2018-00234



1 inch = 80 feet



Updated on: 11/15/2018

0 20 40 80 120 160 Feet

1 inch = 80 feet



1 inch = 80 feet

ZON2018-00234

Item

Date

Dec 4, 2018

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

(Circle One)

RECEIVED

Print Name

David Strom

COMMUNITY DEVELOPMENT

Signature

2801 Center St

DEC 06 2018

Address

David Strom

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

He only wants parking

ZON2018-00234

Item

Date

12-3-18

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

(Circle One)

RECEIVED

Print Name

J. MARK SCHMIDT

COMMUNITY DEVELOPMENT

Signature

J. Mark Schmidt

DEC 06 2018

Address

1131-24th St.

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

LANDSCAPED PARKING BETTER THAN DETERIORATED GARAGES

MORE OPEN

ZON2018-00234

Item

Date

11-28-18

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

(Circle One)

RECEIVED

Print Name

SAMUEL SIMON

Signature

[Signature]

NOV 30 2018

Address

1113 24th St.

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

