



Date January 14, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
NJREC, INC. TO REZONE PROPERTY LOCATED AT 938 12TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 20, 2018, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from NJREC, Inc. (owner), represented by Nick Jensen (officer), to rezone property in located at 938 12th Street (“Property”) from “M-1” Light Industrial District to Limited “NPC” Neighborhood Pedestrian Commercial District, to allow redevelopment of the Property with 14 row townhome dwellings, subject to the following conditions:

1. All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
2. Review and approval of the finalized building elevations and materials by the Planning Administrator.
3. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the “NPC” District.
4. The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores; and

WHEREAS, the Property is legally described as follows:

LOT 3 IN BLOCK 7 IN GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF THE 24.0 FOOT WIDE 12TH PLACE RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1, LOT 3 AND LOT 4, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALSO KNOWN AS LOT N, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.



Roll Call Number

Agenda Item Number

24

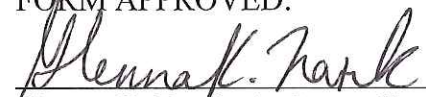
Date January 14, 2019

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 28, 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.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



 Glenna K. Frank, Assistant City Attorney

(ZON2018-00244)

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

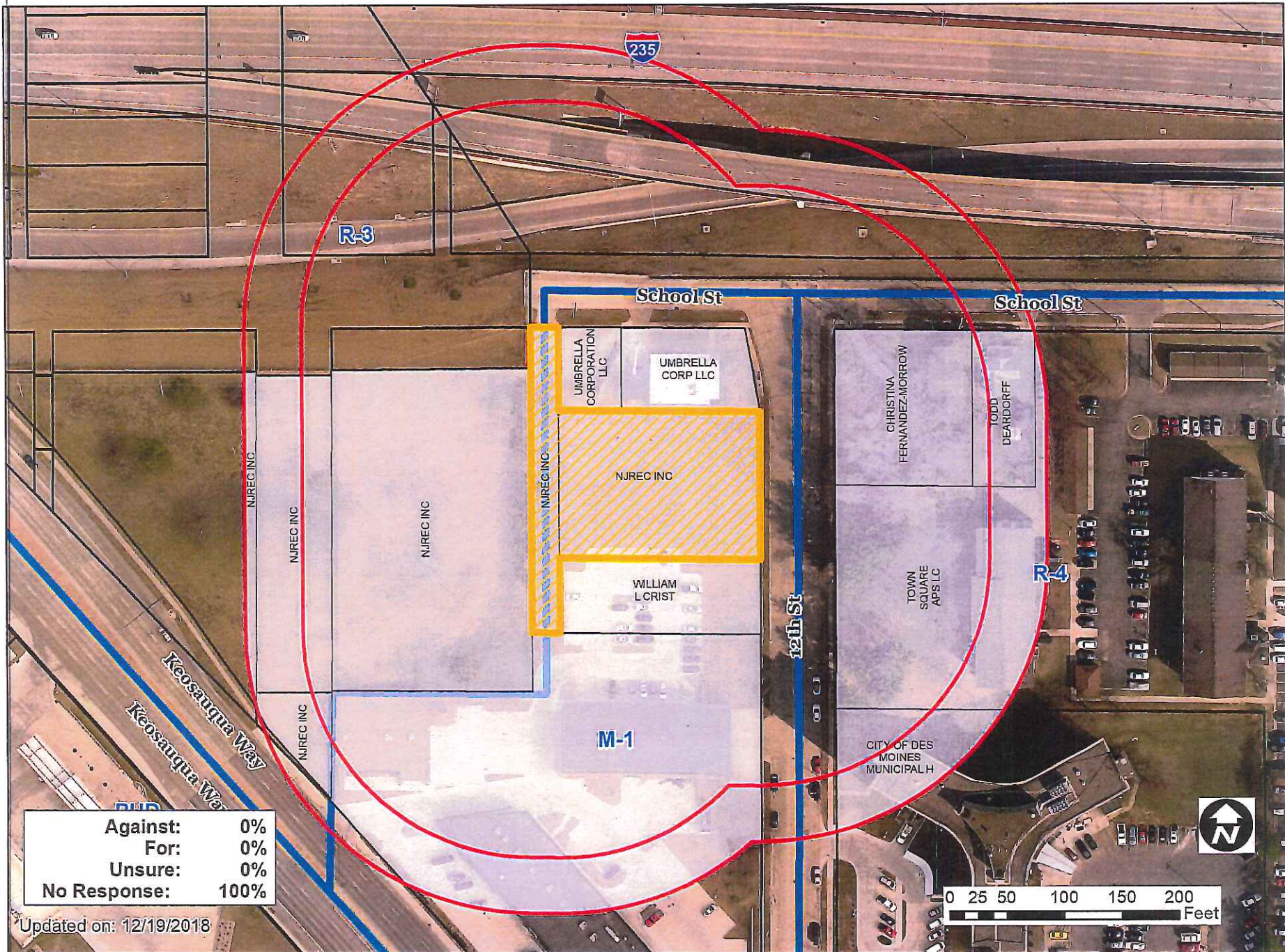
CERTIFICATE

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.

_____ Mayor

_____ City Clerk



Updated on: 12/19/2018

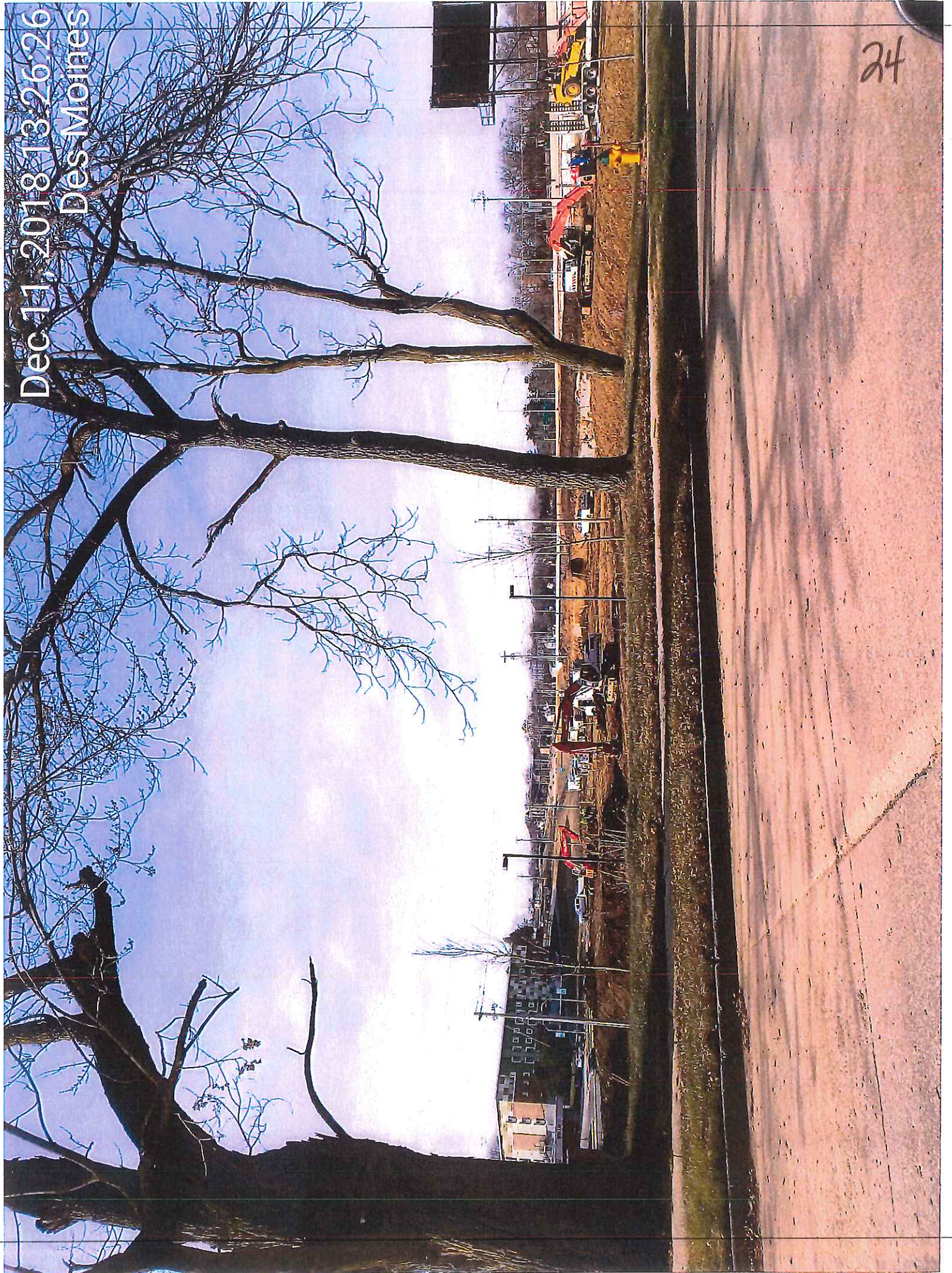
0 25 50 100 150 200 Feet



HL

1 inch = 113 feet

Dec 11, 2018 13:26:26
Des Moines



Dec 11, 2018 13:26:29
Des Moines



24

Dec 11, 2018 13:27:49
938 12th Street



74

Dec 11, 2018 13:27:46
938 12th Street



Dec 11, 2018 13:26:23
Des Moines



24

Dec 11, 2018 13:28:37
1212 School Street



DRIVER
across Iowa
ers receive
WEEKLY BONUSES
BS.com



January 8, 2019

Date January 14, 2019
 Agenda Item 24
 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 20, 2018 meeting, the following action was taken regarding a request from NJREC, Inc. (owner) represented by Nick Jensen (officer) to rezone property located at 938 12th Street from "M-1" Light Industrial District to "NPC" Neighborhood Pedestrian Commercial District, to allow the property to be redeveloped with 14 row townhome dwellings.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	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 in conformance with the existing PlanDSM future land use plan designation of Downtown Mixed Use and **APPROVAL** of Part B) to recommend that the property be rezoned to "NPC" Neighborhood Pedestrian Commercial District, subject to the following conditions:



Cityview 49

Des Moines, Iowa

Rezoning Exhibit

11/20/2018

1. All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
2. Review and approval of the finalized building elevations and materials by the Planning Administrator.
3. Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
4. The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
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 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores.

(ZON2018-00244)

Written Responses

0 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Downtown Mixed Use.

Part B) Staff recommends approval of rezoning to "NPC" Neighborhood Pedestrian Commercial District, subject to the following conditions:

1. All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the subject property to allow redevelopment for 14 row townhomes. The subject property includes a portion of 12th Place that was previously vacated at an unknown date.
2. **Size of Site:** 29,594 square feet or 0.679 acres.
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Vacant.
5. **Adjacent Land Use and Zoning:**
 - North** – "M-1": Uses are the Interstate 235 corridor and an office building.
 - South** - "M-1": Uses are commercial.
 - East** - "R-4": Uses are single- and multiple-family residential.
 - West** - "R-3": Use is vacant land currently under development for multiple-family residential.
6. **General Neighborhood/Area Land Uses:** The site is located at the northern periphery of downtown. The immediate area consists of a mix of commercial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood association. All neighborhood associations were notified of the Commission meeting by mailing of the Preliminary Agenda on November 30, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 30, 2018 (20 days prior to the hearing) and December 10, 2018 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on December 14, 2018.
8. **Relevant Zoning History:** None.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Downtown Mixed Use.

10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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 Plan:** The proposed rezoning to the “NPC” Neighborhood Pedestrian Commercial District is compatible with the Downtown Mixed Use future land use designation. The Plan defines this designation as “Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.” The proposed 14 dwelling units on a 29,594 square feet (0.679 acres) site represents a net density of 20.6 units per acre.

2. **Urban Design:** The proposed rowhouses would be 3-stories tall and arranged in groups of 7 units. The ground floor of the units on the north side of the property would be partially below grade, giving the units a 2½-story appearance from certain views. The proposed rowhouses would have masonry and cement fiberboard siding. The ground level of each unit would contain garage space. The units would have a parapet style roof.

The development would have frontage on 12th Street. Only two (2) of the proposed 14 units would front the street. Street side doors are not proposed for these units. Staff believes that entrances or entrance features to both units fronting 12th Street should be provided that face the street.

3. **Parking & Access:** The ground level of each unit would contain garage space. These garages would be accessed from a service drive. Parking is currently allowed along both sides of 12th Street.

4. **Site Composition:** Staff notes that the subject property was acquired by the developer at a later date than adjacent land to the west, 1331 Keosauqua Way. The property at 1331 Keosauqua Way is currently under development and would consist of 35 townhomes. The proposed townhomes for the subject property would be of similar design and style as those approved for 1331 Keosauqua Way. Staff recommends that the entire development be either combined into one parcel or that cross-access easements be developed.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None requested to speak.

COMMISSION ACTION:

Will page made a motion for **APPROVAL** of Part A) the proposed rezoning be found in conformance with the existing PlanDSM future land use plan designation of Downtown Mixed Use and **APPROVAL** of Part B) to recommend that the property be rezoned to "NPC" Neighborhood Pedestrian Commercial District, subject to the following conditions:

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Motion Carried 8-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

NJREC, Inc. (owner) represented by Nick Jensen (officer) for property located at 938 12th Street.			File #	
			ZON2018-00244	
Description of Action	Rezone from "M-1" Light Industrial District to "NPC" Neighborhood Pedestrian Commercial District, to allow the property to be redeveloped with 14 row townhome dwellings.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial 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

NJREC, Inc., 938 12th Street

ZON2018-00244

