

**Date** ..... February 24, 2020 .....

**RESOLUTION SETTING HEARING ON REQUEST FROM CHRISTIAN PRINTERS, INC. TO AMEND THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND REZONE PROPERTY LOCATED AT 1415 21<sup>ST</sup> STREET**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on February 6, 2020, the City Plan and Zoning Commission voted 11-0 in support of a motion to recommend **APPROVAL** of a request by Christian Printers, Inc. (owner), represented by Bryan Goos (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 1415 21<sup>st</sup> Street (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow for rezoning Limited RX1 Mixed Use District; and

**WHEREAS**, the City Plan and Zoning Commission further has advised that at a public hearing held on February 6, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Christian Printers, Inc., to rezone the Property from N5 Neighborhood District to Limited RX1 Mixed Use District, to conform to the Commercial Service, Consumer Maintenance and Repair use (printing business) to the south and allow a potential expansion of the existing printing business or development for assembly use, subject to the following conditions:

1. Any use of the property shall be limited to the following:
  - a. Any use as allowed in the “N5” District Household Living;
  - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
  - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
  - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements; and

**WHEREAS**, the Property is legally described as follows:

LOT 9 IN WILLIAMS ADDITION TO NORTH DES MOINES, 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 amendment to PlanDSM: Creating Our



Roll Call Number

Agenda Item Number

16

Date February 24, 2020

Tomorrow future land use designation and the proposed rezoning are 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 March 9, 2020, 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

Glenna K. Frank, Assistant City Attorney

(21-2020-4.02)
(ZON2020-00006)

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk



Date February 24, 2020  
 Agenda Item 16  
 Roll Call # \_\_\_\_\_

February 18, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 6, 2020 meeting, the following action was taken regarding a request from Christian Printers, Inc. (owner) represented by Bryan Goos (officer) to rezone property located at 1415 21<sup>st</sup> Street from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the zoning to same designation as the Commercial Service, Consumer Maintenance and Repair use (retail printing business) property to the south.

**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   |      |      |        |
| Jacqueline Easley  | X   |      |      |        |
| Jann Freed         | X   |      |      |        |
| John “Jack” Hilmes | 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 Commission find the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) **APPROVAL** of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street and Part C)

**APPROVAL** of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
  - a. Household Living;
  - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
  - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
  - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.
  
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

(ZON2020-00006) & (21-2020-4.02)

Written Responses

2 in Favor

1 in Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find that the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.

Part B) Staff recommends approval of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street.

Part C) Staff recommends approval of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
  - a. Household Living;
  - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
  - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
  - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.
  
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would potentially allow an expansion of the existing printing business on the parcels to the south. The applicant has also indicated that the property could also potentially be developed for an assembly use. Staff notes that if the property were rezoned to “RX1” District, any use of the property for an assembly use would be subject to the Zoning Board of Adjustment granting a Conditional Use.
2. **Size of Site:** 7,850 square feet (0.18 acre).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The subject property is a residential lot that previously contained a single-household dwelling that was demolished in 2017. It has been covered with gravel and it appears that it is being utilized for vehicle maneuvering and parking without required approvals.
5. **Adjacent Land Use and Zoning:**
  - North** – “N5”; Uses include single-household residential.
  - South** – “RX1”; Use is Christian Printers.
  - East** – “NX1”; Uses include single-household residential, parking, and public alley right-of-way.
  - West** – “N5”; Uses includes single-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the Drake Neighborhood in an area that contains a mix of single-household residential, multiple-household residential, office, commercial, and religious uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Drake Neighborhood and within 250 feet of King Irving Neighborhood and Carpenter Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 17, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2020 (20 days prior to public hearing) and January 27, 2020 (10 days prior to public hearing) 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. A Final Agenda was mailed to recognized neighborhoods on January 31, 2020.

The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28<sup>th</sup> Street, Des Moines, IA 50311. The King Irving Neighborhood Association notices were mailed to Ramona Bates, 1321 Norton Street, Des Moines, IA 50314. The Carpenter Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** Taking into the consideration of 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 at 1415 21<sup>st</sup> Street to be amended from “Low Density Residential” to “Neighborhood Mixed Use”. 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.*

*Neighborhood Mixed Use: Small scale mixed use development typically located at the intersection of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.*

This amendment is necessary so that the proposed “RX1” zoning to be found in conformance with the comprehensive plan.

2. **Site Plan Requirements:** Any development would require compliance with all applicable Site Plan requirements. Applicable requirements include stormwater management, landscaping, and screening for adjoining residential properties. All 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. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

The subject property has been covered with gravel and appears to be being used for illegal vehicle maneuvering and parking for the applicant’s business to the south. A site plan must be prepared and the site must be brought into conformance with the approved site plan if the applicant wishes to continue to use the subject property in this manner.

3. **Streets and Access:** A traffic study was not required by the City's Traffic & Transportation Division for the requested rezoning. Any use of the property for vehicular access or parking must comply with any applicable site plan requirements.
4. **Additional Information:** The applicant is proposing to rezone the subject property from "N5" District to "RX1" District. The Zoning Ordinance describes these designations as follows:

*N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian Revival, and Arts and Crafts styles pursuant to House D building type.*

*RX1 is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridor's adjacent to low-scale neighborhoods*

Staff believes that the request is appropriate given that it adjoins commercially zoned property and is in close proximity to Forest Avenue, so long as the applicant utilizes the subject property in compliance with all applicable ordinances, codes, and requirements of the City of Des Moines.

## SUMMARY OF DISCUSSION

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

## COMMISSION ACTION:

Jann Freed made a motion for approval of Part A) the Commission find the proposed rezoning to "RX1" is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) **APPROVAL** of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street and Part C) **APPROVAL** of rezoning the subject properties from "N5" Neighborhood District to "RX1" Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
  - a. Household Living;
  - b. "Commercial Service, Consumer Maintenance and Repair use (printing business)";
  - c. "Assembly & Entertainment, Small", if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
  - d. "Assembly – Public, Civic and Institutional" if a Conditional Use for such is granted by the Zoning Board of Adjustment.
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

Motion passed: 11-0

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JVE:tjh

|  |   |              |  |              |
|--|---|--------------|--|--------------|
| Christian Printers, Inc. (owner) represented by Bryan Goos (officer) for property located at 1415 21st Street. |   | File #       |  |              |
|  |   | 21-2020-4.02 |  |              |
| <b>Description of Action</b>   | Amendment to the PlanDSM Creating Our Tomorrow to revise the future land use plan from Low Density Residential to Neighborhood Mixed Use. |              |  |              |
| <b>PlanDSM Future Land Use</b>   | Current: Low Density Residential.<br>Proposed: Neighborhood Mixed Use.  |              |  |              |
| <b>Mobilizing Tomorrow Transportation Plan</b>   | No planned improvements.  |              |  |              |
| <b>Current Zoning District</b>   | "N5" Neighborhood District.   |              |  |              |
| <b>Proposed Zoning District</b>  | "RX1" Mixed Use District.   |              |  |              |
| <b>Consent Card Responses</b>  | In Favor  | Not In Favor | Undetermined                                 | % Opposition |
| <b>Outside Area (200 feet)</b>   | 0   | 0            |  |              |
| <b>Within Subject Property</b>   |   |              |  |              |
| <b>Plan and Zoning Commission Action</b>   | Approval  | X            | <b>Required 6/7 Vote of the City Council</b> | Yes          |
|  | Denial  |              |  | No           |

Christian Printers, Inc., 1415 21st Street

21-2020-4.02



1 inch = 75 feet

|  |   |              |  |              |
|--|---|--------------|--|--------------|
| Christian Printers, Inc. (purchaser) represented by Bryan Goos (officer) for property located at 1415 21st Street. |   |              | File #<br>ZON2020-00006                      |              |
| <b>Description of Action</b>   | Rezone property from "N5" Neighborhood District to "RX1" Mixed Use District, to bring the zoning to same designation as the Commercial Service, Consumer Maintenance and Repair use (retail printing business) property to the south. |              |  |              |
| <b>PlanDSM Future Land Use</b>   | Current: Low Density Residential.<br>Proposed: Neighborhood Mixed Use.  |              |  |              |
| <b>Mobilizing Tomorrow Transportation Plan</b>   | No planned improvements.  |              |  |              |
| <b>Current Zoning District</b>   | "N5" Neighborhood District.   |              |  |              |
| <b>Proposed Zoning District</b>  | "RX1" Mixed Use District.   |              |  |              |
| <b>Consent Card Responses</b>  | In Favor  | Not In Favor | Undetermined                                 | % Opposition |
| <b>Outside Area (200 feet)</b>   | 2   | 1            |  |              |
| <b>Within Subject Property</b>   |   |              |  |              |
| <b>Plan and Zoning Commission Action</b>   | Approval  | X            | <b>Required 6/7 Vote of the City Council</b> | Yes          |
|  | Denial  |              |  | No           |

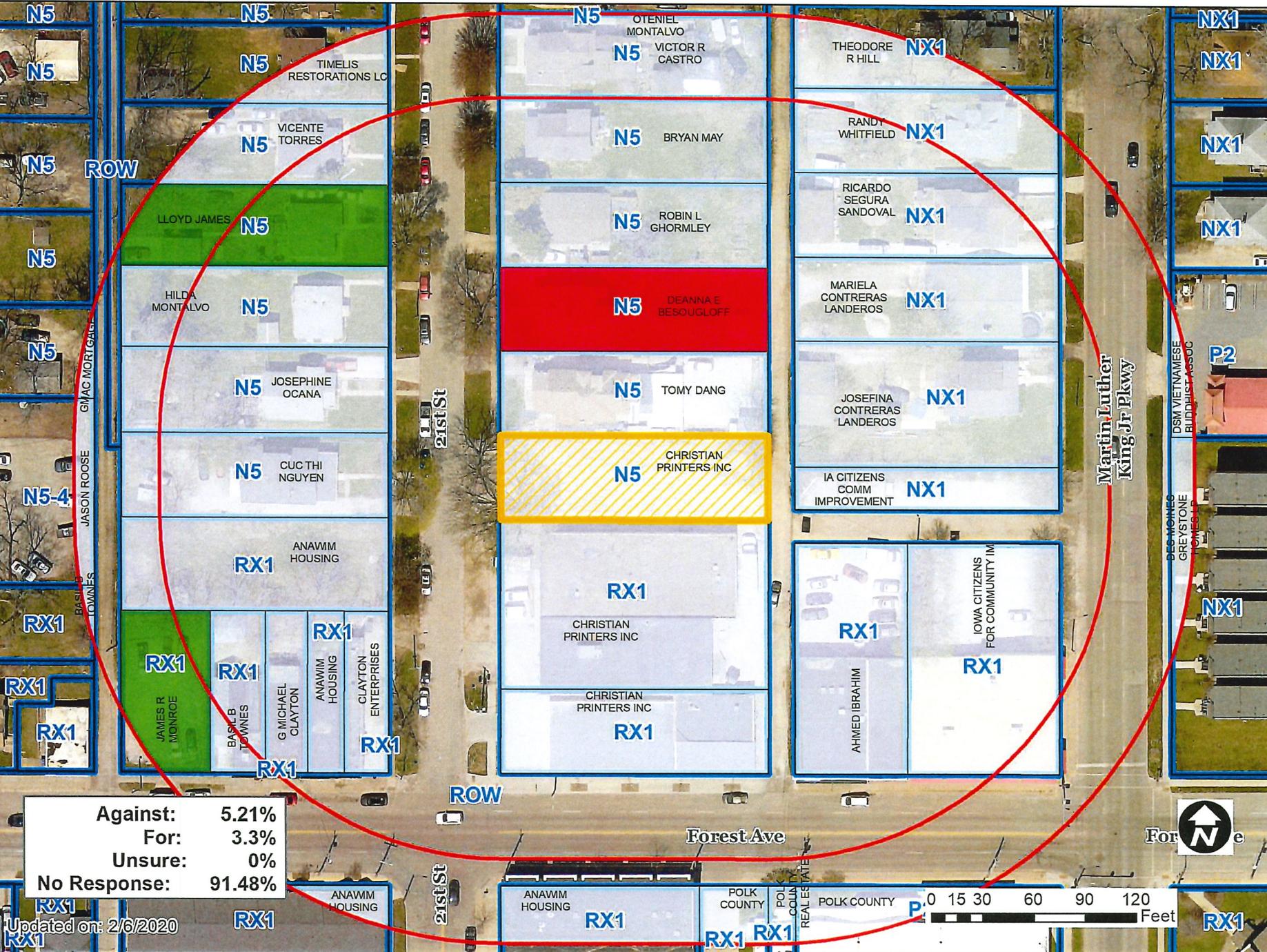
Christian Printers, Inc., 1415 21st Street

ZON2020-00006



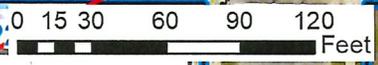


10



|              |        |
|--------------|--------|
| Against:     | 5.21%  |
| For:         | 3.3%   |
| Unsure:      | 0%     |
| No Response: | 91.48% |

Updated on: 2/6/2020



1 inch = 75 feet

10

Item: ZON2020-00006 Date: 1-29-20

I (am)  (am not) in favor of the request:

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name: Diana Besongoth

FEB 3 2020 Signature: [Signature]

Address: 1423 21<sup>st</sup> St. DM 50312

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

Don't want more business destroying  
the neighborhood. It's just been  
getting to be a good neighborhood to  
live in.

Item: ZON2020-00006 Date: 1-29-2020

16

I (am) (am not) in favor of the request:

RECEIVED  
COMMUNITY DEVELOPMENT  
FEB 3 2020

Print Name: LLOYD JAMES

Signature: Lloyd James

Address: 2028 CLARK ST 50311  
OMAHA

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

THEY RUN A CLEAN BUSINESS  
GIVES A LOT OF PEOPLE A JOB

Item: ZON2020-00006 Date: \_\_\_\_\_

I (am) (am not) in favor of the request:

RECEIVED  
COMMUNITY DEVELOPMENT  
JAN 31 2020

(Circle One)

Print Name: JAMES MONROE

Signature: [Signature]

Address: 2109-2123 West Acker

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_