

Agenda Item Number

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Date March 9, 2020

#### RESOLUTION SETTING HEARING ON REQUEST FROM IOWA HOMELESS YOUTH CENTERS (APPLICANT) TO AMEND PLAN THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND REZONE PROPERTY LOCATED AT 2705 EAST EUCLID AVENUE

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 20, 2020, the City Plan and Zoning Commission voted 8-0 in support of a motion to recommend **APPROVAL** of a request by Iowa Homeless Youth Centers (Applicant), represented by Toby O'Berry (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 2705 East Euclid Avenue, from Low Density Residential to Community Mixed Use, to allow for rezoning to RX1 Mixed Use District and to allow development of the property for a business/trade school use and offices for youth training; and

WHEREAS, the City Plan and Zoning Commission further has advised that at a public hearing held on February 20, 2020, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Iowa Homeless Youth Centers (Applicant), represented by Toby O'Berry (officer), to rezone real property located at 2705 East Euclid Avenue from "N3a" Residential District to "RX1" Mixed Use District, to allow development of the property for a business/trade school use and offices for youth training, and

WHEREAS, the Property is legally described as follows:

THE SOUTH 210.0 FEET OF THE NORTH 260.0 FEET OF THE WEST 183.3 FEET OF THE SOUTH ONE-HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 30, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA,

and is owned by the Michael J. Rovner Trust, the Cynthia L. Rovner, Trust, Michael J. Rovner (Trustee) and Cynthia L. Rovner (Trustee);

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 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 23, 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



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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:

COWNIE

BOESEN

GATTO

GRAY

VOSS

TOTAL MOTION CARRIED

Partir-Kuse

Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.04)(ZON2019-00017)

#### **COUNCIL ACTION** YEAS NAYS PASS ABSENT 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. MANDELBAUM IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first WESTERGAARD above written. APPROVED

Mayor

\_\_\_\_ City Clerk



Roll Call #\_

March 3, 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 20, 2020 meeting, the following action was taken regarding a request from Iowa Homeless Youth Centers (applicant), represented by Toby O'Berry (officer) to rezone property located at 2705 East Euclid Avenue from "N3a" Residential District to "RX1" Mixed Use District to allow development of the property for a business/trade school use and offices for youth training. The subject property is owned by the Michael J Rovner Trust, the Cynthia L Rovner Trust, Michael J Rovner (trustee), and Cynthia L Rovner (trustee).

#### **COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	Х			
Dory Briles	Х			
Abby Chungath	Х			
Jacqueline Easley				Х
Jann Freed				Х
John "Jack" Hilmes				Х
Lisa Howard	Х			
Carolyn Jenison	Х			
Greg Jones				Х
William Page				X
Rocky Sposato	Х			
Steve Wallace	Х			
Greg Wattier				Х
Emily Webb	Х			

**APPROVAL** of Part A) the Commission find the proposed rezoning not in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential, Part B) **APPROVAL** of the request to amend the future land

use designation to Low Density Residential to Community Mixed Use and Part C) **APPROVAL** of the requested rezoning to "RX1" Mixed Use District. (21-2020-4.04) & (ZON2020-00017)

#### Written Responses 4 in Favor 4 in Opposition

### STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designations of Low Density Residential.

Part B) Staff recommends approval of the request to amend the future land use designation to Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of the requested rezoning to "RX1" Mixed Use District.

Should the requested rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow the specific proposed uses of the property.

#### STAFF REPORT TO THE PLANNING COMMISSION

#### I. <u>GENERAL INFORMATION</u>

1. **Purpose of Request:** The proposed rezoning to the "RX1" District would allow the applicant to develop the property for a business/trade school use and offices for youth training. The proposed "RX1" District would not allow use of the property for a homeless shelter.

The rezoning would permit construction of building using a "Commercial Cottage", "General Building", or a "Civic Building" building type in accordance with requirements in Chapter 135 Article 2 of the City Code. The conceptual site sketch submitted with the rezoning application demonstrates that the site would be developed with a 2-story building with a rooftop patio, along East Euclid Avenue and an off-street parking lot to the rear (south).

- 2. Size of Site: 183 feet by 210 feet (38,493 square feet or 0.884-acre).
- 3. Existing Zoning (site): "N3a" Neighborhood District.
- 4. Existing Land Use (site): Undeveloped land.

### 5. Adjacent Land Use and Zoning:

North - "N1b", Uses include East Euclid Avenue and one-household dwellings.

South - "N3a"; Use is a one-household dwelling.

East - "N3a"; Uses are one-household dwellings.

West - "MX3"; Uses are Cricket Wireless and Papa John's Pizza.

- 6. General Neighborhood/Area Land Uses: The subject property is located along the south side of the East Euclid Avenue corridor where uses transition from commercial to the west to residential to the east.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in an area recognized by both the Fairmont Park Neighborhood and the Douglas Acres Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 31, 2020 (20 days prior to the public hearing) and February 10, 2020 (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 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 February 14, 2020.

The Fairmont Park Neighborhood mailings were sent to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317, and the Douglas Acres Neighborhood mailings were sent to Joe Youngwirth, 3824 Lay Street, Des Moines, IA 50317.

The applicant held a required neighborhood meeting on February 10, 2020. The applicant has provided the required written summary of the neighborhood meeting.

- 8. Relevant Zoning History: The City' new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned "N3a" Neighborhood District since PlanDSM currently designates this property as Low Density Residential. It was previously zoned "C-1" Neighborhood Retail Commercial District.
- **9. PlanDSM Land Use Plan Designation:** The property is designated as Low 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 Land Use Plan: In order to allow for the proposed rezoning, the future land use designation for the property must be amended from Low Density Residential to Community Mixed Use.

PlanDSM Creating Our Tomorrow Plan describes "Community Mixed Use" as: *Small-to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customer.* 

Staff believes that the Community Mixed Use is appropriate for this property given the its location along the major East Euclid Avenue corridor and given that it is immediately adjoining property that is already designated as Community Mixed Use.

The recently adopted Zoning Ordinance describes the requested "RX1" District as follows: *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 recommends that the requested "RX1" District be found in conformance with the proposed Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of "Community Mixed Use".

- 2. Streets and Access: A traffic study was not required by the City's Traffic Engineering Division for the requested rezoning. For purposes of future redevelopment of the site, East Euclid Avenue is considered a Primary Street Frontage. 60<sup>th</sup> Street and 61<sup>st</sup> Street are considered Non-Primary Street Frontages.
- **3. Parking:** If the site is developed for a youth training facility, the business/trade school use component would require 1 parking space for every 2 staff members and 1 parking space for every 5 students, and the office component would require 1 parking space per 400 square feet of office space.

Bicycle parking would be required at one per classroom plus 1 per 50,000 square feet of office space.

#### SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendations.

Abby Chungath asked what this property was previously zoned.

A member of the audience stated it was previously zone C-1 which was affirmed by Erik Lundy.

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Dory Briles confirmed the previous zoning was listed on page 2 of the staff report.

<u>Toby O'Berry</u>, 638 41<sup>st</sup> Street stated they work with transitional youth from the ages of 18-24. They focus on housing assistance, workforce training, employment and education assistance. This project is going to help the youth that have transitioned out of the foster care system with skills they will need in the work place. This will be a place of business that will operate Monday-Friday with no residential dwellings. They will staff 3-4 employees that will assist with the training and 4 youth that are receiving training. This location is perfect for them as its tied to the bus line along Euclid, directly across from Hy-Vee and perfect for the use that is intended. The cash flow that is generated through the sale of their produce to Hy-Vee will support staff and the youth in this program.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

The Chair solicited testimony from individuals in favor of the rezoning request. Seeing none the Chair solicited testimony from individuals opposed to the rezoning. <u>Jeff Witte</u>, 2501 Morton Avenue stated there were three main concerns after the neighborhood meeting that was held February 11<sup>th</sup>, disruption of privacy, questions around future expansion and the possibility of problems with the men who will be going through the program. There are a lot of abandoned buildings along Euclid they could use for this project, they shouldn't rezone this property back to commercial and should save it for residential development.

<u>Jason Carpenter</u>, 3216 E. 24<sup>th</sup> Street stated he has concerns with the light pollution from the parking lot and water run off was another concern of his. He would like to see trees planted along the South and East side of the property to create a buffer.

The Chair opened the hearing for rebuttal by the applicant.

<u>Toby O'Berry</u> stated Douglas Acers Neighborhood Association is in support of this project while Fairmont Park is opposition. They want to address the concerns of the neighbors and believe they will be able to address the privacy and parking encroachment concerns that have been raised.

<u>Alan Van Gundy</u>, 1717 Ingersoll Avenue stated with the contour of the land, the properties to the South sit 10 feet higher than what the base of their building will sit at. If you consider a floor to floor height of 14 feet, that would only be 4 feet above the homes to the South. They have also pulled the intensity of their site to the North and West of the parcel to address the concerns of the neighborhood. They are willing to reduce the number of parking stalls as they have exceeded the requirement, which would eliminate the 2 parking stalls abutting the property to the South. Landscaping requirements will be met and will provide evergreen and shrubs along the South and East side of the property. Lighting will also meet code with cut off fixtures that will not spill into adjoining properties.

<u>Toby O'Berry</u> stated 60% of the youth they serve are women. They want these kids to be self-sufficient and contribute to society. These are kids that were born with unstable families, they're not violent and are not criminals.

#### **COMMISSION ACTION:**

<u>Francis Boggus</u> made a motion for approval of Part A) the Commission find the proposed rezoning not in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan

future land use designations of Low Density Residential, Part B) **APPROVAL** of the request to amend the future land use designation to Low Density Residential to Community Mixed Use and Part C) **APPROVAL** of the requested rezoning to "RX1" Mixed Use District.

Motion passed: 8-0

Respectfully submitted,

Euk Judy

Erik Lundy, AICP Senior City Planner

EML:tjh

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Iowa Homeless Youth Centers (applicant), represented by Toby O'Berry (officer), for property located at 2705 East Euclid Avenue. The subject property is owned by the Michael J Rovner Trust, the Cynthia L Rovner Trust, Michael J Rovner (trustee), and Cynthia L Rovner (trustee).File #										
Description of Action	Amend Reside	l PlanD ntial to	PlanDSM Creating Our Tomorrow's future land use designation from Low Density ntial to Community Mixed Use.						ow Density	
PlanDSM Future Land Use Current: Low Density Residential.   Proposed: Community Mixed Use.										
Mobilizing Tom Transportation	No planned improvements.									
Current Zoning District			"N3a" Residential District.							
Proposed Zonir	ng Disti	rict	"RX1" Mixed Use Di			trict.				
Consent Card F	Respon	sponses In Fav		vor No		ot In Favor	Undetermined		% Opposition	
Outside Area (2	00 feet	)	0		0					
Within Subject	Proper	ty								
Plan and Zoning			val X			Required 6/7		Yes		
Commission Ac	ction	Denia	d			the City Council		No		Х

21-2020-4.04



1 inch = 103 feet

lowa Homeless Youth Centers (applicant), represented by Toby O'Berry (officer),							File #			
for property located at 2705 East Euclid Avenue. The subject property is owned by the Michael J Rovner Trust, the Cynthia L Rovner Trust, Michael J Rovner (trustee), and Cynthia L Rovner (trustee).								ZON2019-00017		
DescriptionReof Actionde	Rezone property from "N3a" Residential District to "RX1" Mixed Use District to allow development of the property for a business/trade school use and offices for youth training.						allow uth training.			
PlanDSM Future L						y Residential.				
Mobilizing Tomorrow Transportation Plan			No planned improvements.							
Current Zoning District			"N3a" Residential District.							
Proposed Zoning	Zoning District			"RX1" Mixed Use District.						
Consent Card Res	ent Card Responses		In Fav	In Favor		ot In Favor	Undetermined		% Opposition	
Outside Area (200	feet)									
Within Subject Pro	operty	у	4		4					
Plan and Zoning			val	X		Required 6/7		Yes		
Commission Action		Denia	I			the City Coun	cil	No		Х

#### ZON2020-00017



1 inch = 103 feet

21-2020-4.04





## J9 ZON2020-00017

ZON2020-00017 Date: teb. lten DOUGLAS NEIGHBORHODD ASSO l ((am)) (am not) in favor of the request: Print Name: DANA -(Circle One) Joe Youngwirth, presiders Jourgenter Signature RECEIVED COMMUNITY DEVELOPMENT Address: 3824/ay St FEB 1 4 2020 Reason for opposing or approving this request may be listed below: low traffic, low neighborhood impact, local grown healthy food Source, job training for needy youths . :01: ZON2020-00017 20 Date: Item (am not) in favor of the request: | <u>(a</u> Print Name: JOE Fouset rcle One) COMMUNITY DEVELOPMENT Enclid NVE FEB 1 4 2020 Address: 27/2 Reason for opposing or approving this request may be listed below:

ZON2020-00017 Iten Date: SUBJECT PROPERTY I ((an not) in favor of the request: OWNER (Circle One) Kovner ichael **Print Name:** TONE 812 38 Signature: Address: 2705 E. Zha EMON

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

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ZON2020-0	Doc 17 Date: $2 - 12 - 20$
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RECEIVED S	ignature: advien m. Miller
	ddress: <u> </u>
	Training, Trade School
	much so, yes

ZON2020-00017 Date: 🥏 Item: (am) (an not) in favor of the request: (Circle One) Print Name: Change COMMUNITY DEVELOPMENT len FEB 1 9 2020 Address: 26 3 Nede Reason for opposing or approving this request may be listed below: CAOLNO 2020-00017 Date: 2/11/2020 Item: Sir. I (am) ((am not) in favor of the request: (Circle **Q**ne) Print Name: 😤 CASOV Collette RECEIVED Signature: COMMUNITY DEVELOPMENT FEB 1 8 2020 Address: 2616 We dia wood Pr Reason for opposing or approving this request may be listed below: a safty hazard for our family & Child. ١Ś Unoppina the market value so bad we now have to move atter only 112 years there.

ZON2020-00017 Date: 2 - 16 - 2020 Item: I (am)/(aminot) in favor of the request: (Circle 🗖ne) Print Name: Gage Ripple RECE Signature: \_\_\_\_\_\_ COMMUNITY DEVE FEB 1 9 202 Address: 2727 E. Euclid Ave Reason for opposing or approving this request may be listed below: uses My property Val in Ar ime rates crease ZON2020-00017 Item: Date: IZMONT EIGHBORHODO I (am) ((am not) in favor of the request: (Circle One) Print Name: four mon RECEIVED COMMUNITY DEVELOPMENT Signature: FEB 1 8 2020 Address: 150X Molton Alle Desilhing Ia Reason for opposing or approving this request may be listed below: like to see the concerns of the live would neighbors addresse Ent FPNA JEFF WITTE





# IHYC Roof top Gardens Site Concept #3 2705 E. Euclid Avenue

**Des Moines, Iowa** 

January 22, 2020



simonson simonson & associates architects LLC 1717 ingersoll avenue suite 117 des moines ia 50309 phn 515 440 5626 www.simonsonassoc.com





#### IHYC Rooftop Gardens 2705 E. Euclid Avenue Des Moines, Iowa

January 22, 2020

simonson

simonson & associates architects LLC 1717 ingersoll avenue suite 117 des moines la 5050 phn 515 440 5616 www.eimonsonassoc.com

SAA# 19067

#### Lundy, Erik M.

From: Sent: To: Cc: Subject: Youngwirth, Joe J. <jjyoungwirth@dmacc.edu> Friday, March 6, 2020 11:30 AM Lundy, Erik M. Westergaard, Linda C. Roof Top Gardens

Mr. Lundy, I am contacting you in regards to a recent joint meeting held by Toby O'beery from the lowa Homeless & Youth Centers. Residence from the Douglas Acres Neighborhood Association and the

Fairmont Park Neighborhood were invited to attend. After listening to Mr. O'beerys information on the Roof Top Gardens and the program goals I feel most questions were favorably answered. There was a

resident who said she owns the property directly south of the proposed buildings property. Her concern was that with a 2 story building people would be allowed to see into her back yard. Two people said

that where they live there are many 3 story apartment buildings located near their property lines. This allows a clear view of their back yards as well. In fact the way most houses are situated it would be the

exception to not be able to see into a neighbors back yard. This to me does not seem to be a valid concern. Mr. O'Beery did say they would install fencing or shrubbery at the site.

The Douglas Acres Neighborhood Associations steering committee discussed and decided to be in favor of approving the Roof Top Gardens project. A few of the reasons are that it would not

create a lot of additional traffic in the neighborhood. IHYC being a non profit would not pay propert taxes which is not good for the city's budget, but the positive side is that they are a non profit that is

self sustaining and not using other public dollars to run their operation. We were told that they will train young people between the ages of 18 and 22 or 24. Not many of todays youths no matter what

their upbringing was like are mature enough to be self sustaining and living on their own. If just a hand few of these young people learn job training skills and become a tax payer instead of a burden on the

tax system it will be a huge win. This would be well worth the loss of the property taxes on this parcel if these young people are not having to use city, county, state and even federal charity programs.

Everyone was also very much in favor of fresh local produce grown by the Roof Top Gardens being sold at our neighborhood Hy-Vee store. This will be less truck traffic from farm to

market. It will most likely be better quality due to the fact it will not sit in a warehouse or truck for several days coming from the west coast. As the old saying goes, all education is expensive. I think

giving up property taxes on a small parcel, educating tomorrows work force and training them to be productive members of society is priceless. I hope you will approve the request from IHYC.

Thanks for

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your consideration,

Youngwirth, president of Douglas Acres Neighborhood association

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