



Date May 18, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM DES MOINES AREA RELIGIOUS COUNCIL TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 100 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Des Moines Area Religious Council (DMARC)(purchaser), represented by Matt Unger (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 100 Army Post Road (“Property”) from Community Mixed Use to Business Park to allow rezoning to EX Mixed-Use District and relocation of the DMARC headquarters and food bank distribution operation into one location with offices, warehousing and distribution within the existing building; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 7, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from DMARC to rezone the Property from MX2 Mixed-Use District to EX Mixed-Use District for the above-described purpose; and

WHEREAS, the Property is legally described as follows:

PARCEL “B” OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON JANUARY 13, 2005, AND RECORDED IN BOOK 10901 PAGE 904, BEING A PART OF LOTS 3 AND 4 IN CHAFFEE-DICKMAN PLAT NO. ONE, 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 the comprehensive plan future land use designation and proposed zoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on June 8, 2020, by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.



Roll Call Number

Agenda Item Number

16

Date May 18, 2020

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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

(21-2020-4.08)
(ZON2020-00042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
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 May 18, 2020
 Agenda Item 16
 Roll Call # _____

May 12, 2020

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 5, 2020 meeting, the following action was taken regarding a request from Des Moines Area Religious Council (DMARC) (purchaser) represented by Matt Unger (officer) to rezone property located at 100 Army Post Road from “MX2” Mixed-Use District to “EX” Mixed-Use District, to allow for the applicant to consolidate its non-profit food bank distribution operation and headquarters to one location with offices, warehousing and distribution within the existing building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0- as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 proposed rezoning to “EX” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use, **APPROVAL** of Part B) amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from “Community Mixed Use” to “Business

Park” and Part C) **APPROVAL** of rezoning the subject property from “NX2” Mixed-Use District to “EX” Mixed-Use District subject to the site being brought into conformance with current landscaping standards with any site plan.

(ZON2020-00042)

Written Responses

0 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “EX” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use.”

Part B) Staff recommends amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from “Community Mixed Use” to “Business Park.”

Part C) Staff recommends approval of rezoning the subject property from “NX2” Mixed-Use District to “EX” Mixed-Use District subject to the site being brought into conformance with current landscaping standards with any site plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The Des Moines Area Religious Council (DMARC), a non-profit food bank distribution group, is looking to relocate their headquarters and distribution operations into a single facility at the subject property. The project would consist of approximately 11,500 square feet of remodeled office and conference space, 1,500 square feet of food pantry space, 28,000 square feet of food warehouse and distribution space, and 6,000 square feet of shell tenant space. The proposed operations are not a principal use allowed in the “MX2” District.
2. **Size of Site:** 149,215 square feet or 3.426 acres.
3. **Existing Zoning (site):** “MX2” Mixed-Use District.
4. **Existing Land Use (site):** The site contains a 48,341-square foot building that was originally constructed as a grocery store.
5. **Adjacent Land Use and Zoning:**

North – “MX2”; Uses are commercial uses.

South – “NX2”; Use is a multiple household apartment complex.

East – “P2”; Use is the Fort Des Moines Museum.

West – “MX2”; Use is multi-tenant strip commercial center.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southwest corner of the Army Post Road and South Union/Chaffee Road intersection in an area that contains a mix of commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within 250 feet of the Fort Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on April 17, 2020 and by mailing of the Final Agenda on May 1, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on April 17, 2020 (20 days prior to the public hearing) and April 27, 2020 (10 days prior to the public hearing) to the Fort Des Moines 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 on the date of the mailing. The Fort Des Moines Neighborhood Association notices were mailed to Scott Durham, 301 East Kenyon Avenue, Des Moines, IA 50315.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use.
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 is designated as “Community Mixed Use” on the Future Land Use Map. Plan DSM describes this designation as follows:

Community Mixed Use: 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 customers.

The applicant is proposing to rezone the property from “MX2” Mixed-Use District to “EX” Mixed-Use District. The Zoning Ordinance states that “EX is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts, a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with office.” Building types allowed in this district include the Commercial Cottage, General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The proposed “EX” District zoning requires the “Business Park” designation on the Future Land Use Map. Plan DSM describes this designation as follows:

Business Park: Accommodates light industrial, office, and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectional influences, and would have little or no adverse effect on surrounding properties.

2. **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.
3. **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. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

SUMMARY OF DISCUSSION

Jason Van Essen stated Item #4 can be moved to the consent agenda as the applicant agrees with staff recommendation and no response cards were received in opposition.

Jann Freed asked if any members of the public or the Commission requested to speak on consent agenda items #4. None requested to speak.

Emily Webb made a motion to move Item #4 to the consent agenda. Motion carried 11-0

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of Part A) the proposed rezoning to “EX” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use, **APPROVAL** of Part B) amending the

PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from “Community Mixed Use” to “Business Park” and Part C) **APPROVAL** of rezoning the subject property from “NX2” Mixed-Use District to “EX” Mixed-Use District subject to the site being brought into conformance with current landscaping standards with any site plan.

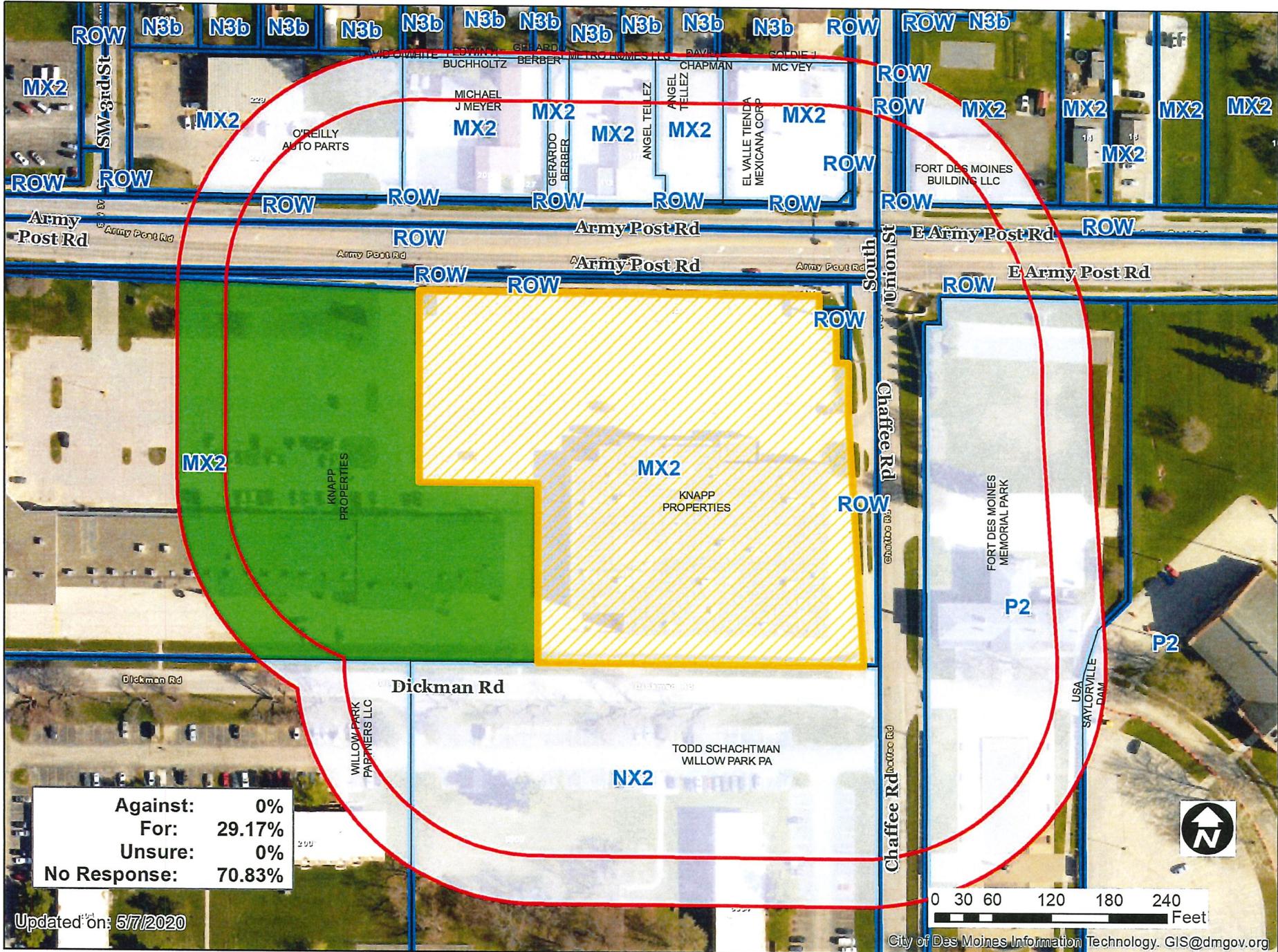
Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh



Against:	0%
For:	29.17%
Unsure:	0%
No Response:	70.83%

Updated on: 5/7/2020

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