

**Date** August 5, 2020 reconvened from August 3, 2020.....

**RESOLUTION DISMISSING HEARING ON REQUEST FROM GRASSO  
PROPERTIES ONE, LLC TO AMEND PLANDSM FUTURE LAND USE  
DESIGNATION AND TO REZONE PROPERTY LOCATED AT  
3206 UNIVERSITY AVENUE**

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1110, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Grasso Properties One, LLC (purchaser), represented by Steve Grasso (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3206 University Avenue (“Property”) from Low Density Residential and Low-Medium Density Residential to Community Mixed Use to allow rezoning to Limited MX3 Mixed Use District and reuse of the basement of the existing Drake University building for a Self-Service Storage use, subject to the conditions stated below; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Grasso Properties One, LLC to rezone the Property from P2 Public, Civic and Institutional District to Limited MX3 Mixed Use District for the above-described purpose, subject to the following conditions:

- (1) The Property shall be brought into conformance with current landscaping standards with any site plan.
- (2) Permitted uses shall be limited to self-service storage, and uses allowed in common by the MX3 and RX1 zoning district; and

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1110, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on August 3, 2020 at 5:00 P.M., 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; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed land use amendment and rezoning; and

**WHEREAS**, thereafter Grasso Properties One, LLC requested to withdraw its application for the proposed land use amendment and rezoning of the Property.

**Date** August 3, 2020

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed land use amendment and rezoning of 3206 University Avenue from P2 Public, Civic and Institutional District to Limited MX3 Mixed Use District is hereby dismissed, and the matters of the proposed land use amendment and proposed rezoning are withdrawn from City Council consideration.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

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

(21-2020-4.10)  
(ZON2020-00062)

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

**Cmelik, P. Kay**

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**From:** Frank, Glenna K.  
**Sent:** Tuesday, July 28, 2020 3:36 PM  
**To:** Cmelik, P. Kay  
**Cc:** Baumgartner, Laura L.; Ludwig, Michael G.; Hempel, Bethany G.; Sommer, Jillian L.; Lester, Jeffrey D.  
**Subject:** FW: 3206 University - rescind rezoning request

Hello Kay: Please find below a message in relation to the applicant’s request to withdraw the pending rezoning at 3206 University Avenue, on the 8/3 Council agenda. I’m providing this for your use in informing Council members as may be needed/desired.

Thank you,

Glenna K. Frank  
Assistant City Attorney  
**P: (515) 720-0139**  
[gkfrank@dmgov.org](mailto:gkfrank@dmgov.org)



**From:** Steve Grasso [<mailto:sgrasso@gtgcompanies.com>]  
**Sent:** Monday, July 27, 2020 8:31 AM  
**To:** Sommer, Jillian L. <[JLSommer@DMGOV.ORG](mailto:JLSommer@DMGOV.ORG)>  
**Cc:** Venessa Macro <[venessa.macro@drake.edu](mailto:venessa.macro@drake.edu)>; Tyler Baumgarten <[tbaumgarten@gtgcompanies.com](mailto:tbaumgarten@gtgcompanies.com)>  
**Subject:** 3206 University - rescind rezoning request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jillian,  
Please rescind our request to rezone 3206 University Ave. The uncertainty surrounding the pandemic has caused the deal to cancel.



**Steve Grasso**  
Project Manager, Architect, P.E.  
GTG Companies

P: [515-528-8178](tel:515-528-8178)

C: [515-868-8101](tel:515-868-8101)

[6505 Merle Hay Rd](#)  
[Johnston, IA, 50131](#)



**RECEIVED**  
JUL 17 2020  
LEGAL DEPARTMENT

Mayor and City Council  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, IA 50309

RE: Proposed rezoning of property located at 3206 University Avenue

To the Mayor and City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,  
Grasso Properties One, LLC

  
Signature

By: Steven G Grasso

Its: Manager

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Phone: 515/283-4530

Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309

Taxpayer: No change

Title of Document: Acceptance of Rezoning Ordinance

Grantor's Name: Drake University (Owner) and Grasso Properties One, LLC (Purchaser)

Grantee's Name: City of Des Moines, Iowa

Legal Description: THE EAST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, TOGETHER WITH THE EASEMENT GRANTED BY THE CITY OF DES MOINES TO THE GRANTOR DATED MARCH 6, 1987 AND RECORDED IN BOOK 5693 PAGE 210 POLK COUNTY, IOWA RECORDS.  
AND  
THE EAST 75 FEET OF THE SOUTH 20 FEET OF THE WEST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.  
AND  
LOT 9 AND THE EAST 30 FEET OF LOT 10 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 10, SAID LYON'S PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 9910, PAGE 813.  
AND  
LOT 8 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.  
AND  
LOT 16 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 16, SAID LYON'S PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10135, PAGE 779.  
ALL CONTAINING 1.73 ACRES (75,423 S.F.) (hereinafter "Property")

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. Drake University is the titleholder, and Grasso Properties One, LLC is the

purchaser of the Property locally known as 3206 University Avenue and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from P2 Public, Civic and Institutional District to Limited MX3 Mixed Use District, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

- (1) The Property shall be brought into conformance with current landscaping standards with any site plan.
- (2) Permitted uses shall be limited to self-service storage, and uses allowed in common by the MX3 and RX1 zoning district.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**DRAKE UNIVERSITY**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

State of Iowa            )  
                                  ) ss:  
County of Polk         )

This instrument was acknowledged before me on \_\_\_\_\_, 2020, by \_\_\_\_\_ as \_\_\_\_\_ of Drake University.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

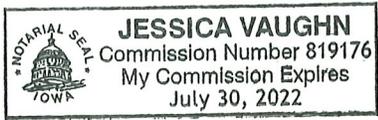
**GRASSO PROPERTIES ONE, LLC**

*Steven G. Grasso*  
By: Steven G. Grasso  
Its: Manager

State of Iowa            )  
                                  ) ss:  
County of Polk         )

This instrument was acknowledged before me on July 15<sup>th</sup>, 2020, by Steven Grasso, as Manager of Grasso Properties One, LLC.

*Jessica Vaughn*  
Notary Public in and for the State of Iowa





July 7, 2020

Date August 3, 2020  
 Agenda Item 61  
 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 July 2, 2020 meeting, the following action was taken regarding a request from Grasso Properties One, LLC (purchaser) represented by Steve Grasso (officer) to rezone property located at 3206 University Avenue from "P2" Public, Civic and Institutional District to "MX3" Mixed Use District, to allow the basement of the existing Drake University building used for Office, Business or Professional to be remodeled for Self-Service Storage use.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
Johnny Alcivar	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 requested rezoning to be **not** in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as "Low Density Residential", Part B) **APPROVAL** of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from "Low Density Residential" to "Community Mixed Use" and Part C)

**APPROVAL** of the requested rezoning of the property from “N3a” Neighborhood District to “MX3” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment.
2. All other uses permitted by right or by Conditional Use shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

(21-2020-4.10) & (ZON2020-00062)

Written Responses

2 in Favor

1 in opposition

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

Part A) Staff recommends that the proposed rezoning to “MX3” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designations of “Low Density Residential” and “Low-Medium Density Residential.”

Part B) Staff recommends amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from “Low Density Residential” and “Low-Medium Residential” to “Community Mixed Use.”

Part C) Staff recommends approval of rezoning the subject property from “P2” Public, Civic and Institutional District to “MX3” Mixed Use District subject to the following conditions:

1. The site shall be brought into conformance with current landscaping standards with any site plan.
2. Permitted uses shall be limited to self-service storage, and uses allowed in common by the “MX3” and the “RX1” Districts.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

**1. Purpose of Request:** The applicant is purchasing the subject property from Drake University with the intent of using the upper levels of the building for office use and the basement for a self-service storage use. The proposed self-service storage use is not allowed in the “P2” District. It is a Conditional Use in the “MX3” District. Should the proposed rezoning be approved, the applicant would be required to obtain Conditional Use approval from the City’s Zoning Board of Adjustment before any of the building or site could be used for a self-service storage use. The proposed change of use would also require a site plan and building elevations to be submitted for review and approval pursuant to the Planning and Design Ordinance.

**2. Size of Site:** 58,254 square feet or 1.337 acres.

3. **Existing Zoning (site):** “P2” Public, Civic and Institutional District.
4. **Existing Land Use (site):** The site contains a two-story, 17,654-square foot office building.

5. **Adjacent Land Use and Zoning:**

**North** – “P2”; Use is a church.

**South** – “N5”; Uses are one household dwelling units.

**East** – “RX1”; Use is an office building.

**West** – “P2”; Use is an office building occupied by the City’s Park and Recreation Department.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of University Avenue just west of the 32<sup>nd</sup> Street intersection. The area contains a mix of commercial, institutional and residential uses. It is located at the southwest perimeter of the Drake University campus.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 12, 2020 and by mailing of the Final Agenda on June 26, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 12, 2020 (20 days prior to the public hearing) and on June 22, 2020 (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 on the date of the mailing. The Drake Neighborhood Association notices were mailed to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential and Low-Medium 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 Creating Our Tomorrow:** The northern 145 feet of the subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. The remaining portion of the property is designated as “Low-Density Residential. Plan DSM describes this designation as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

Low Density Residential: Areas developed with primarily single family and two family residential units with up to 6 dwelling.

The applicant is proposing to rezone the property from “P2” District to “MX3” District. The Zoning Ordinance states that “P2 is intended for civic and institutional facilities, such as religious assembly places, cultural or art centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities.” Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building, and Principal-Use Parking Structure.

The proposed “MX3” District zoning requires the “Community Mixed Use” designation 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 Zoning Ordinance states that “MX3 is intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale.” Building types allowed in this district include the Storefront Building, Commercial Cottage, Commercial Center, Civic Building and Principal-Use Parking Structure.

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**

Jann Freed stated Item #7 can be moved to the consent as the applicant agrees with staff recommendations.

Jann Freed asked if any members of the public or the Commission had any concerns about moving Item #7 to the consent agenda. None requested to speak.

Dory Briles made a motion to move Item #7 to the consent agenda.  
Motion Carried 12-0

## **COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) the proposed rezoning to "MX3" District be found **not** in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designations of "Low Density Residential" and "Low-Medium Density Residential.", Part B) amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from "Low Density Residential" and "Low-Medium Residential" to "Community Mixed Use" and Part C) **APPROVAL** of rezoning the subject property from "P2" Public, Civic and Institutional District to "MX3" Mixed Use District subject to the following conditions:

1. The site shall be brought into conformance with current landscaping standards with any site plan.
2. Permitted uses shall be limited to self-service storage, and uses allowed in common by the "MX3" and the "RX1" Districts.

Motion passed: 12-0

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

Grasso Properties One, LLC (purchaser) represented by Steve Grasso (officer) for property located at 3206 University Avenue. The subject property is owned by Drake University.			File #	
			21-2020-4.10	
Description of Action	Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use map designation from Low Density Residential and Low-Medium Density Residential to Community Mixed Use.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential and Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"P2" Public, Civic and Institutional District.			
Proposed Zoning District	"MX3" Mixed Use District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	0	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Grasso Properties One, LLC, 3206 University Avenue

21-2020-4.10



1 inch = 142 feet

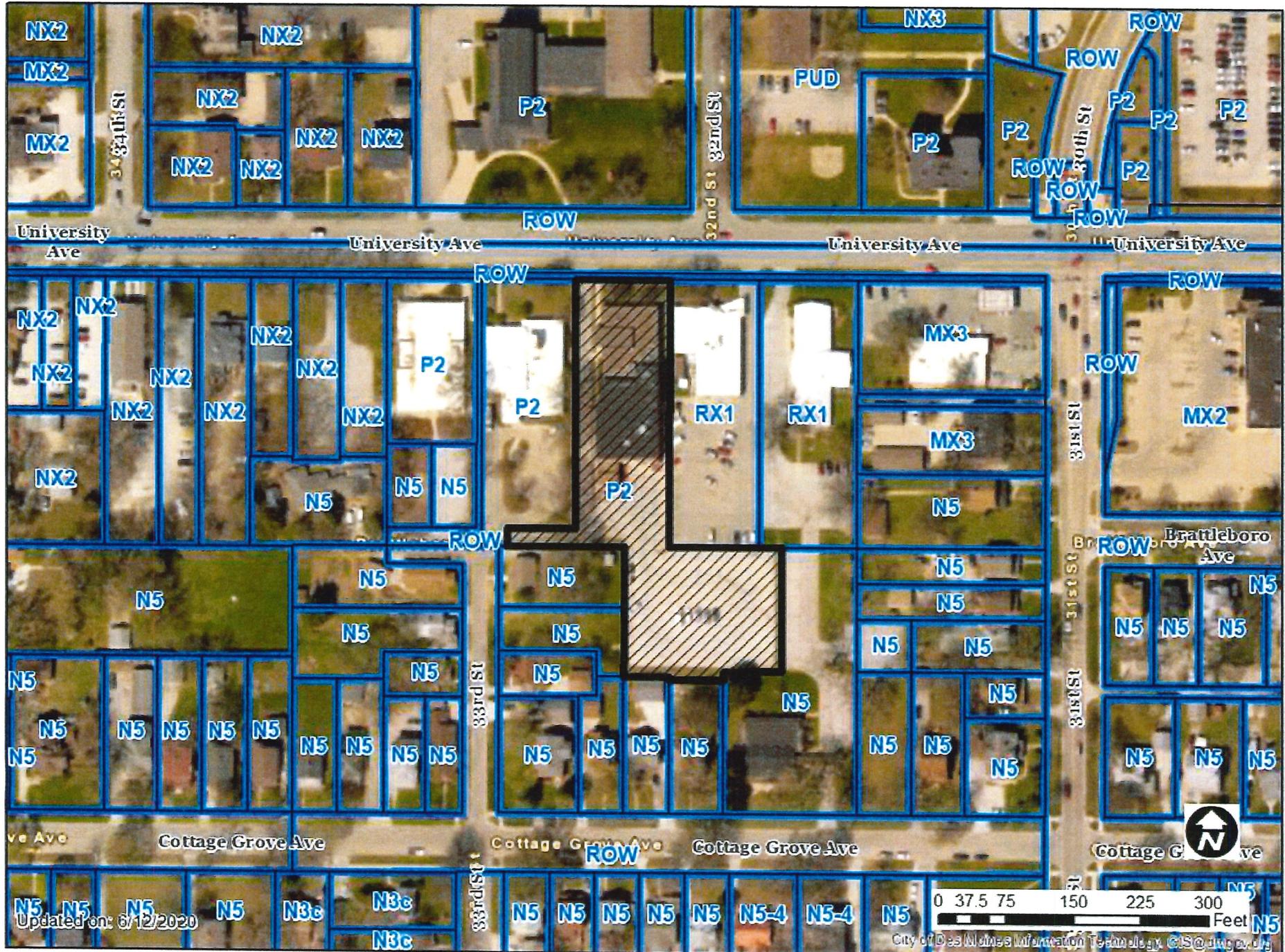
Grasso Properties One, LLC (purchaser) represented by Steve Grasso (officer) for property located at 3206 University Avenue. The subject property is owned by Drake University.				File # ZON2020-00062	
Description of Action		Rezone property from "P2" Public, Civic and Institutional District to "MX3" Mixed Use District, to allow the basement of the existing Drake University building used for Office, Business or Professional to be remodeled for Self-Service Storage use.			
PlanDSM Future Land Use		Current: Low-Medium Density Residential and Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan		No Planned Improvements.			
Current Zoning District		"P2" Public, Civic and Institutional District.			
Proposed Zoning District		"MX3" Mixed Use District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)		2	1		
Within Subject Property					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	
		Denial		Yes	No
					X

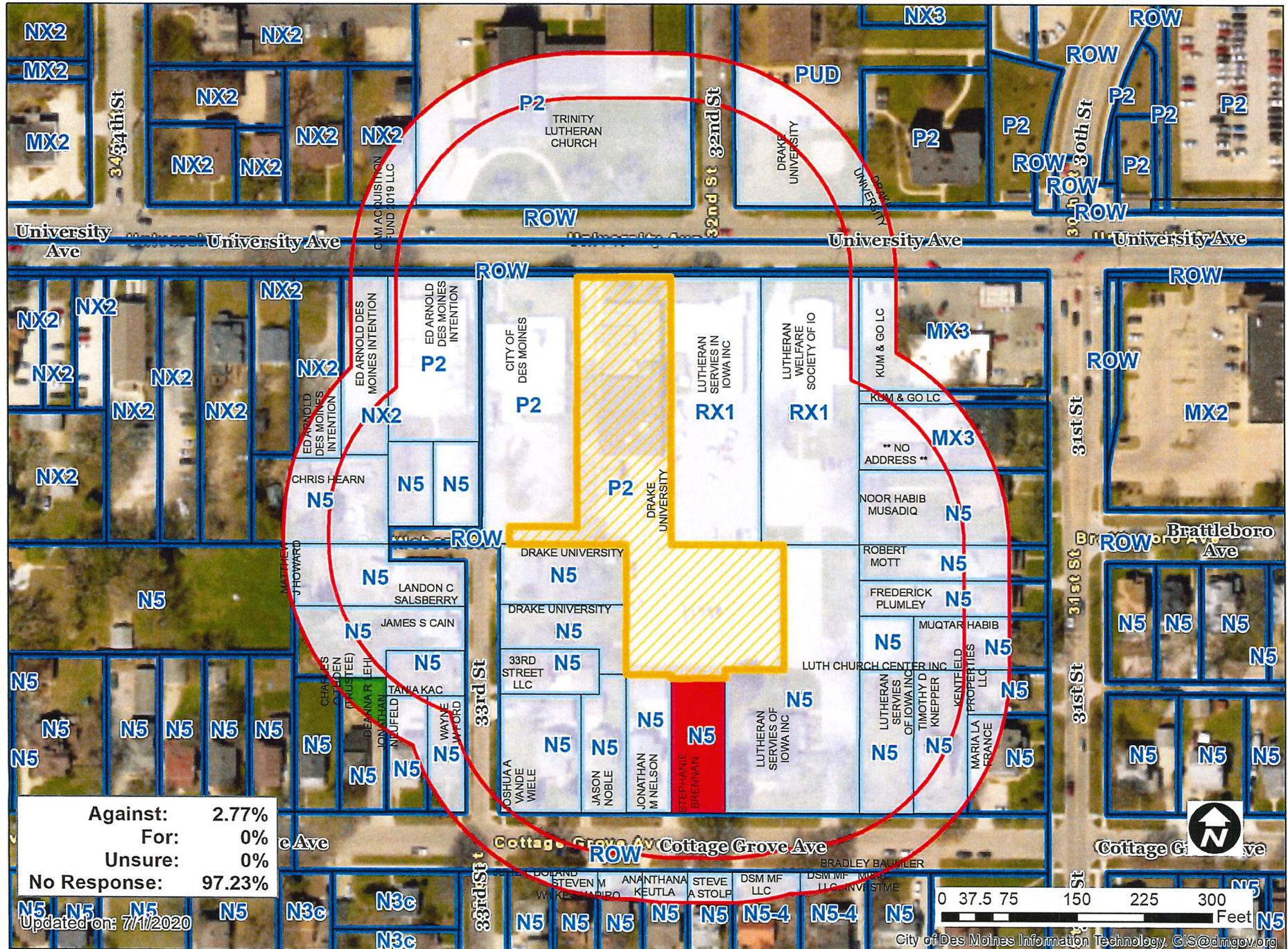
Grasso Properties One, LLC, 3206 University Avenue

ZON2020-00062



1 inch = 142 feet





Against:	2.77%
For:	0%
Unsure:	0%
No Response:	97.23%

Updated on: 7/1/2020

Item: ZON2020-00062 Date: 6-25-20

(am) (am not) in favor of the request:  
(Circle One) Print Name: \_\_\_\_\_

RECEIVED  
COMMUNITY DEVELOPMENT  
JUN 30 2020

Signature: [Signature]  
Address: 3303 University

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

Item: ZON2020-00062

Date: 6-24-20

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

(Circle One)

Print Name: DEANNA LEHL

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: *Deanna Lehl*

JUN 26 2020

Address: 3311 Cottage Grove Ave

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

No Objection -

Item: ZON2020-00062

Date: 6/23/2020

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

(Circle One)

Print Name: Stephanie Brennan

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: *Stephanie Brennan*

JUN 26 2020

Address: 3127 Cottage Grove Ave.

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

There is no clear plan for the property use and we want it to stay P2 to avoid noise pollution; it seems fishy & like "spot rezoning". Self Storage would 100k awful along university.