



Date November 23, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM HIGHLAND PARK APARTMENTS, LLC, TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 622 EUCLID AVENUE

WHEREAS, on November 9, 2020, by Roll Call No. 20-1764, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 15, 2020, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Highland Park Apartments, LLC (owner), represented by Tim Bratvold (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 622 Euclid Avenue (“Property”) from Low Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node, to allow the existing multiple-household dwelling to be used for 10 household living units; and

WHEREAS, on November 9, 2020, by Roll Call No. 20-1764, the City Council received a further communication from the City Plan and Zoning Commission advising that at a public hearing held on October 15, 2020, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Highland Park Apartments, LLC to rezone the Property from ‘NX1’ Neighborhood Mix District to ‘NX2’ Neighborhood Mix District for the above-described purpose; and

WHEREAS, on November 9, 2020, by Roll Call No. 20-1764, 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 November 23, 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, without public access to the meeting location; 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, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 622 Euclid Avenue, legally described as:

LOT 6 IN BLOCK 3 IN OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from ‘NX1’ Neighborhood Mix District to ‘NX2’ Neighborhood Mix District for the purpose described above.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:



Roll Call Number

Agenda Item Number

54

Date November 23, 2020

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM future land use designation or rezoning of the Property to Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 622 Euclid Avenue from Low Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to to 'NX2' Neighborhood Mix District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
 Judy K. Parks-Kruse
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

November 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 October 15, 2020 meeting, the following action was taken regarding a request from Highland Park Apartments, LLC (owner) represented by Tim Bratvold (officer) to rezone property located at 622 Euclid Avenue from “NX1” Neighborhood Mix District to “NX2” Neighborhood Mix District to allow the existing multiple-household dwelling to be used for 10 household living units.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	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 proposed rezoning to “NX2” Neighborhood Mix Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Low-Medium Density Residential within a Neighborhood Node to High Density Residential within a

Neighborhood Node and Part C) **APPROVAL** of rezoning the subject property from “NX1” Neighborhood Mix Use District to “NX2” Neighborhood Mix Use District.
(ZON2020-00117)

Written Responses

3 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “NX2” Neighborhood Mix Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential.

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Low-Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of rezoning the subject property from “NX1” Neighborhood Mix Use District to “NX2” Neighborhood Mix Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to renovate the existing building. The proposed land use plan amendment and rezoning would allow two (2) additional dwelling units to be created within the existing building. Staff understands that additional units are needed to make the project financially viable.
2. **Size of Site:** 50 feet by 132 feet (6,600 square feet or 0.152 acres).
3. **Existing Zoning (site):** “NX1” Neighborhood Mix Use District.
4. **Existing Land Use (site):** The property contains a multiple household residential building.
5. **Adjacent Land Use and Zoning:**
 - North** – “MX1” & “NX1”; Uses are office and one household residential.
 - South** – “N5”; Uses are one household residential.
 - East** – “NX1”; Use is a two-household dwelling.
 - West** – “NX1”; Use is a one household dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of Euclid Avenue to the west of the 6th Avenue intersection. The area contains a mix of residential use at the western edge of a commercial district that is based at the 6th Avenue intersection.

- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Oak Park Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on September 25, 2020 and by mailing of the Final Agenda on October 9, 2020. Additionally, separate notifications of the hearing for this specific item were mailed September 25, 2020 (20 days prior to the hearing) and October 5, 2020 (10 days prior to the hearing) to the Oak Park 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 Oak Park Neighborhood Association mailings were sent to Ashley Kennebeck, 3818 7th Street, Des Moines, IA 50313.

- 8. Relevant Zoning History:** N/A.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low-Medium Density Residential within a Neighborhood Node.

- 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 applicant is requesting that the future land use designation for the property be amended from “Low-Medium Density Residential” in a “Neighborhood Node” to “High Density Residential” in a “Neighborhood Node.” Plan DSM describes these designations 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.

High Density Residential: Areas developed with primarily higher intensity multi-family residential with a minimum density over 17 units per net acre.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurant, shops and small-scale businesses. Residential development including low-medium and medium densities may occur.

The subject property is currently zoned “NX1” District. The Zoning Ordinance describes this district as “intended for a mix of single- and smaller-scaled

multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allow for new infill housing.” Building types allowed in this district by Chapter 135 include the Civic Building, Row Building, House C and House D.

The “NX1” District allows up to eight (8) household units per lot. The proposed Future Land Use Map amendment and rezoning to the “NX2” District are necessary to add two (2) additional units to the building. The Zoning Ordinance describes this district as “intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood. Building types allowed in this district by Chapter 135 include the Civic Building, Flat Building, Row Building and House D.

The subject building is located on the Euclid Avenue corridor, which is a transit route and carries a significant amount of traffic. It is located near the 6th Avenue and Euclid Avenue commercial node. Staff believes that the character of the area supports the proposed Land Use Plan amendment and rezoning.

- 2. Planning and Design Ordinance:** Any development must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance. The proposed expansion of the residential use will require a site plan and for the site to be brought into conformance current standards.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Dory Briles made a motion for approval of Part A) the proposed rezoning to “NX2” Neighborhood Mix Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Low-Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node and Part C) **APPROVAL** of rezoning the subject property from “NX1” Neighborhood Mix Use District to “NX2” Neighborhood Mix Use District.

Motion passed: 14-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator
MGL:tjh

Request from Highland Park Apartments, LLC (owner) represented by Tim Bratvold (officer) for property at 622 Euclid Avenue.			File #	
			21-2020-4.22	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.			
PlanDSM Future Land Use	Current: Low-Medium Density within Neighborhood Node. Proposed: High Density Residential within Neighborhood Node.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"NX1" Neighborhood Mix District.			
Proposed Zoning District	"NX2" Neighborhood Mix 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

Highland Park Apartments, LLC, 622 Euclid Avenue

21-2020-4.22



1 inch = 89 feet

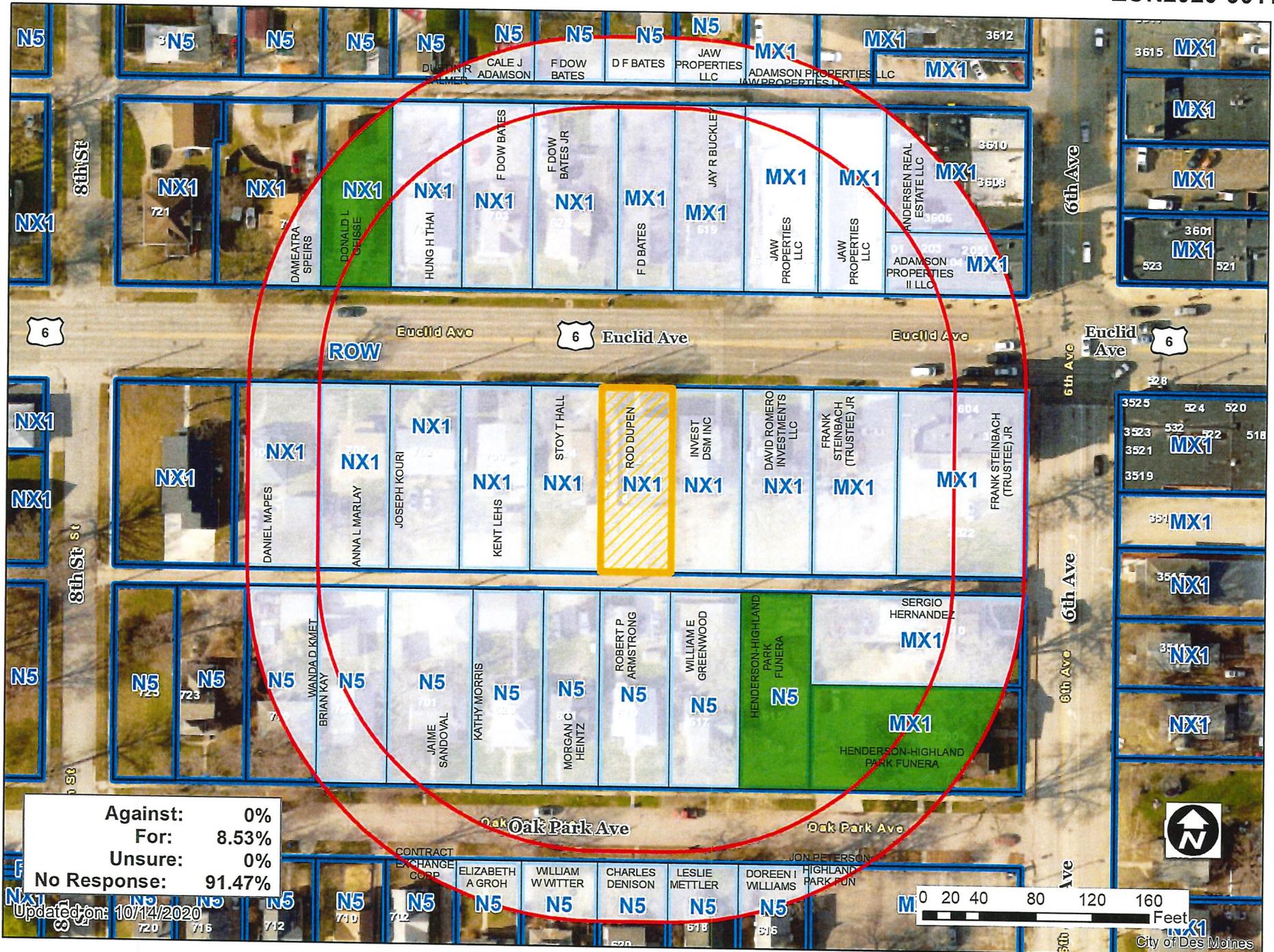
Request from Highland Park Apartments, LLC (owner) represented by Tim Bratvold (officer) for property at 622 Euclid Avenue.				File #	
				ZON2020-00117	
Description of Action	Rezone property from "NX1" Neighborhood Mix District to "NX2" Neighborhood Mix District to allow the existing multiple-household dwelling to be used for 10 household living units.				
PlanDSM Future Land Use	Current: Low-Medium Density within Neighborhood Node. Proposed: High Density Residential within Neighborhood Node.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"NX1" Neighborhood Mix District.				
Proposed Zoning District	"NX2" Neighborhood Mix District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	3	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Highland Park Apartments, LLC, 622 Euclid Avenue

ZON2020-00117



1 inch = 89 feet



Item: ZON2020-00117

Date: 10/7/20 54

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

Print Name: Donna Henderson

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Donna Henderson

OCT 13 2020

Address: 3500 Sixth Ave Des Moines, IA

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

Item: ZON2020-00117

Date: 10/7/2020

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

Print Name: Donald L. Geisse

DON GEISSE
3008-50TH ST
DES MOINES, IA 50310

Signature: [Handwritten Signature]

Address: 3008-50th

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

I have no objection.

RECEIVED
COMMUNITY DEVELOPMENT

OCT 13 2020

Item: ZON2020-00117

Date: 10/9/20

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

(Circle One)

Print Name: Ashley Kennebeck

Signature: Ashley Kennebeck

Address: 3818 7th St. Des Moines

RECEIVED
COMMUNITY DEVELOPMENT

OCT 13 2020

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

Bringing new tenants to the
historic business district.
Restoring a historic building
back to the original 10 units