



Date March 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM MEIER FAMILY, LLC, TO REZONE PROPERTY LOCATED AT 1324 AND 1328 EAST EUCLID AVENUE

WHEREAS, on March 8, 2021, by Roll Call No. 21-0372, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 18, 2021, its members voted 14-0 support of a motion to recommend **APPROVAL** of a request from of a request from Meier Family, LLC, (owner), represented by Charles Meier (officer), to rezone the real property locally known as 1324 and 1328 East Euclid Avenue (“Property”), from ‘MX3’ Mixed Use District to ‘RX2’ Mixed Use District, to allow the property to be redeveloped with ground floor Multiple Housing Living use; and

WHEREAS, on March 8, 2021, by Roll Call No. 21-0372, it was duly resolved by the City Council that that the request to rezone the Property be set down for hearing be set down for hearing on March 22, 2021 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 COVID 19 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 request to rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

WHEREAS, the Property is legally described as follows:

THE NORTH 110.67 FEET OF THE WEST 75 FEET & EXCEPT THE SOUTH 2.5 FEET, THE EAST 188 FEET OF THE WEST 263 FEET & THE EAST 21 FEET OF THE SOUTH 116.8 FEET OF THE WEST 284 FEET OF LOT 2, EUCLID PLACE.

AND

EXCEPT THE SOUTH 2.5 FEET, THE WEST 75 FEET OF THE SOUTH 180 FEET OF LOT 2, EUCLID PLACE.

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

Date March 22, 2021

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the rezoning of the Property to 'RX2' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to 'RX2' Mixed Use 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
 Assistant City Attorney

(ZON2021-00010)

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



March 2, 2021

Date March 22, 2021
Agenda Item 37
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 February 18, 2021 meeting, the following action was taken regarding a City initiated request from Meier Family, LLC (owner) represented by Charles Meier (officer) to rezone property located at 1324 and 1348 East Euclid Avenue from "MX3" Mixed Use District to "RX2" Mixed Use District, to allow the property to be redeveloped with ground floor Multiple Household Living use.

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 "RX2" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use within a Community Node and Part B) **APPROVAL** of requested rezoning the subject property from "MX3" Mixed Use District to "RX2" Mixed-Use.

(ZON2021-00010)

Written Responses

0 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “RX2” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use within a Community Node.

Part B) Staff recommends approval of requested rezoning the subject property from “MX3” Mixed Use District to “RX2” Mixed-Use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is seeking to convert hotel buildings to multiple household living uses. The “MX3” Mixed Use District only allows household living units on upper floors only per the City Code Table 134-3.1-1. The requested “RX2” Mixed Use District allows household living on all floors.

2. Size of Site: 1.8 acres.

3. Existing Zoning (site): “MX3” Mixed Use District.

4. Existing Land Use (site): Lodging: Hotel/Motel.

5. Adjacent Land Use and Zoning:

North – “N3a”; Uses are vacant land and One Household dwellings.

South – “MX3” & “MX3-V”, Uses are Restaurant with drive-through window (McDonald’s) and Financial Service with drive-through (Great Western Bank).

East – “MX3-V”; Use is vacant restaurant.

West – “MX3”; Use is Retail, General (Cash Saver).

6. General Neighborhood/Area Land Uses: The subject property located on the U.S. Highway 6/East Euclid Avenue corridor, just west of the East 14th Street/U.S. Highway 69 corridor. It contains a mix of Commercial and Industrial uses surrounded by mixed densities of Residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Highland Park Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on January 29, 2021 and by mailing of the Final Agenda on February 12, 2021. Additionally, separate notifications of the hearing for this specific item were mailed January 29, 2021 (20 days prior to the hearing) and February 28, 2021 (10 days prior to the hearing) to the Highland 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 Highland Park Neighborhood Association notices were mailed to Ashley Kennebeck, 3818 7th Street, Des Moines, IA 50313.

8. **Relevant Zoning History:** The subject property was zoned to “MX3” Mixed Use District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use within a Community 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 subject property is designated “Community Mixed Use” within a Community Node. 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.

Residential Land Use Density is also boosted to allow High Density Residential when Community Mixed Use is within a Community Node.

High Density Residential

Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.

Based on these designations, the proposed “RX2” Mixed Use District zoning would be found in conformance with the Comprehensive Plan with densities in excess of 17 units per acre. The unit density proposed by the applicant would be over 35 units per acres. Staff believes the proposed rezoning is appropriate given the location of the subject property on a high-volume transportation corridor.

2. **Planning and Design Ordinance:** Any conversion from Lodging, Hotel to Multiple Household Living must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance. The “RX2” Mixed Use District would allow for the review under the General Building Type requirements in Chapter 135, Section 135-2.7.
3. **Staff Rationale:** Staff believes that the proposed conversion of the properties is appropriate given their location within a Community Node. The existing buildings lend themselves to the proposed conversion of use and are arranged readily for household living units. PlanDSM contemplates density within nodes and provides opportunities for affordable housing within close proximity to a range of services.

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:

Emily Webb made a motion for approval of Part A) the proposed rezoning to “RX2” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use within a Community Node and Part B) **APPROVAL** of requested rezoning the subject property from “MX3” Mixed Use District to “RX2” Mixed-Use.

Motion passed: 14-0

Respectfully submitted,



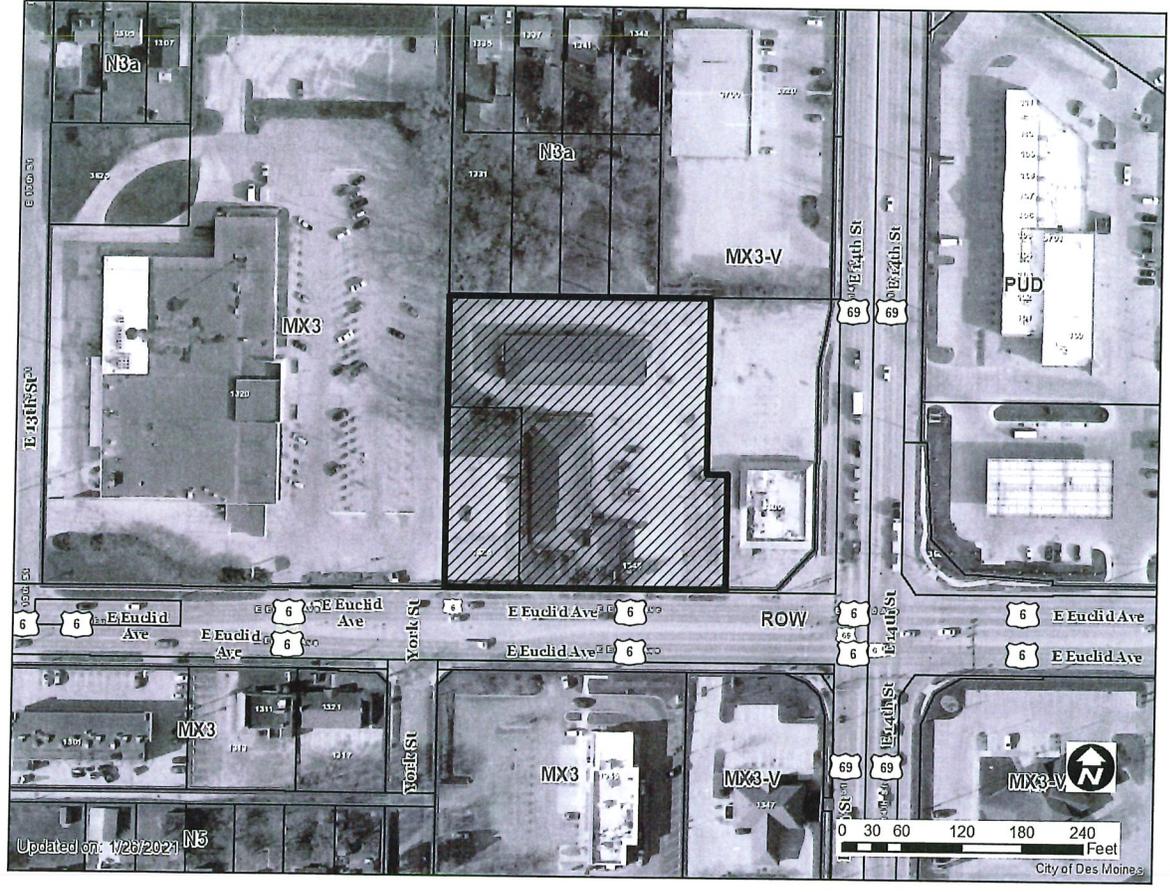
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Meier Family, LLC (owner) represented by Charles Meier (officer) for the property located at 1324 and 1348 East Euclid Avenue.				File #	
				ZON2021-00010	
Description of Action	Rezone property from "MX3" Mixed Use District to "RX2" Mixed Use District, to allow the property to be redeveloped with ground floor Multiple Household Living use.				
PlanDSM Future Land Use	Current: Industrial. Proposed: Park/Open Space.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"MX3" Mixed Use District				
Proposed Zoning District	"RX2" 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	X

Meier Family, LLC, 1324 and 1348 East Euclid Avenue

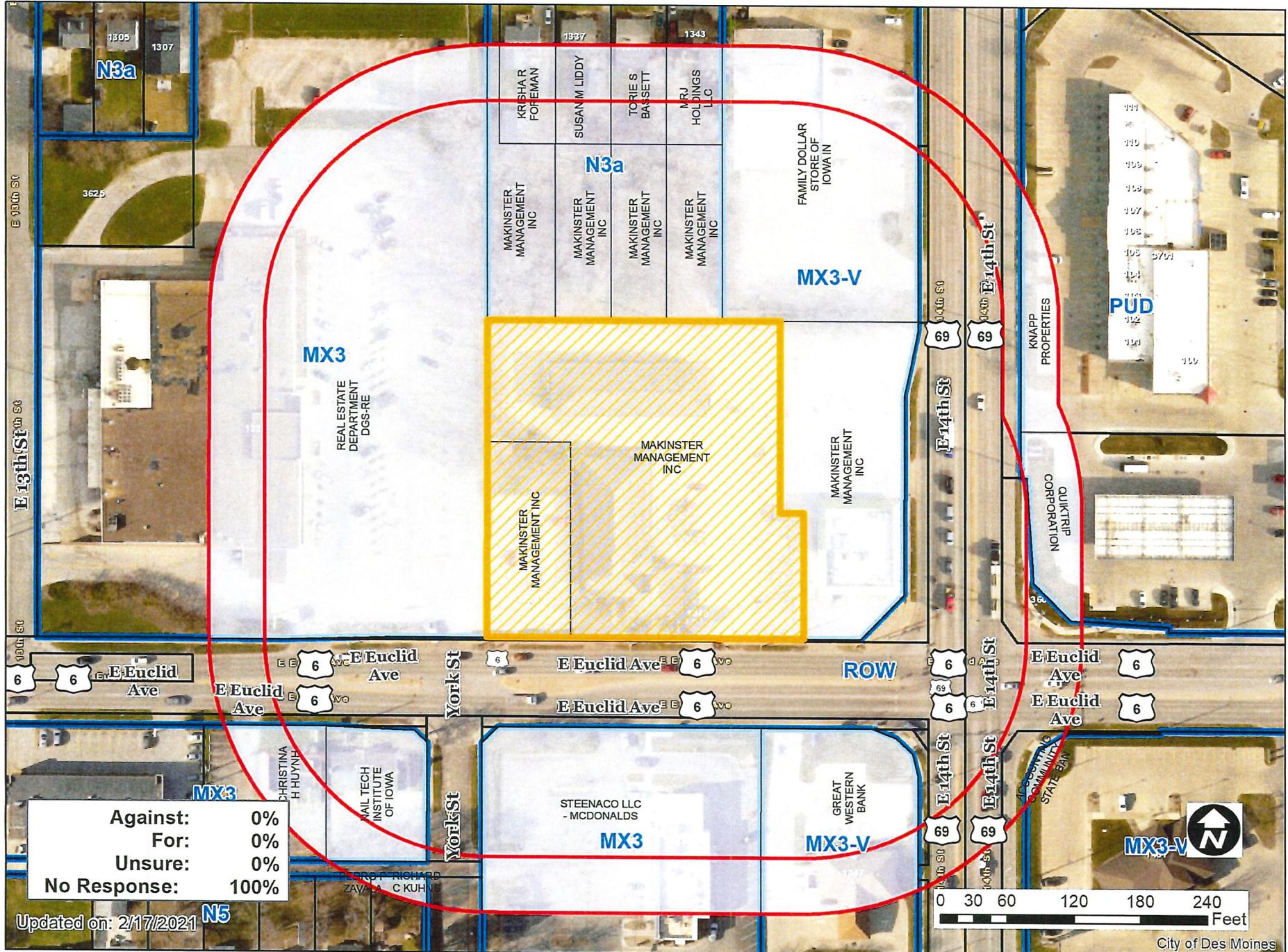
ZON2021-00010



1 inch = 115 feet

Meier Family, LLC, 1324 and 1348 East Euclid Avenue

31
ZON2021-00010



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 2/17/2021 **N5**



1 inch = 115 feet