



Date April 19, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM CALLISON OIL COMPANY (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1501 EAST EUCLID AVENUE**

**WHEREAS**, on April 5, 2021, by Roll Call No. 21-0538, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 18, 2021, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Callison Oil Company (Owner), represented by Karen Norman (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1501 East Euclid Avenue (“Property”) from Industrial within a Community Node to Community Mixed-Use within a Neighborhood Node to allow rezoning to ‘MX3’ Mixed Use District to allow reuse of the existing vacant building for a “Restaurant” use; and

**WHEREAS**, on April 5, 2021, by Roll Call No. 21-0538, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on April 19, 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 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 rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed PlanDSM 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 1501 East Euclid Avenue:

**EXCEPT THE NORTH 4.5 FEET AND THE SOUTH 55 FEET, THE WEST 165 FEET OF LOT 28, BROWN’S LOWLAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.**

to ‘MX3’ Mixed Use District.

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



**Roll Call Number**

**Agenda Item Number**

36

**Date** April 19, 2021

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the amendment to the PlanDSM future land use designation and rezoning of the Property to 'MX3' Mixed Use District, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1501 East Euclid Avenue to Community Mixed-Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'MX3' 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

(21-2021-4.06)  
 (ZON2021-00017).

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 30, 2021

Date April 19, 2021  
 Agenda Item 36  
 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 March 18, 2021 meeting, the following action was taken regarding a request from Callison Oil Company (owner) represented by Karen Norman (officer) to rezone property located at 1501 East Euclid Avenue from "I1" Industrial District to "MX3" Mixed Use District, to allow reuse of the existing vacant building for a "Restaurant" use.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0-1 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 "MX3" Mixed Use District be found **not** in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial within a Community Node, Part B) **APPROVAL** of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Industrial within a Community Node to Community Mixed Use within a Community Node and Part C)

**APPROVAL** of requested rezoning the subject property from “I1” Industrial District to “MX3” Mixed Use District. (ZON2021-00017)

Written Responses

0 in Favor

0 in opposition

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

Part A) Staff recommends that the proposed rezoning to “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial within a Community Node.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Industrial within a Community Node to Community Mixed Use within a Community Node.

Part B) Staff recommends approval of requested rezoning the subject property from “I1” Industrial District to “MX3” Mixed Use District.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to reuse the existing building, formerly a Taco Bell with drive-through, for a restaurant.
2. **Size of Site:** 41,481 square feet (0.952 acres).
3. **Existing Zoning (site):** “I1” Industrial District.
4. **Existing Land Use (site):** Vacant Building for Restaurant use.
5. **Adjacent Land Use and Zoning:**
  - North** – “Eastgate Legacy PUD”; Uses are vacant land and Fueling Station with Limited Retail Sales use (Quik Trip).
  - South** – “I1”, Use is Warehouse use (Midwest Wheel).
  - East** – “I1”; Use is Vehicle Rental use (Enterprise).
  - West** – “MX3”; Use is Restaurant with Drive-Through (Hardee’s).
6. **General Neighborhood/Area Land Uses:** The subject property located on the U.S. Highway 6 / East Euclid Avenue corridor, just east of the East 14<sup>th</sup> Street / U.S. Highway 69 corridor. It contains a mix of Commercial and Industrial 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 February 26, 2021 and by mailing of the Final Agenda on March 12, 2021. Additionally, separate notifications of the hearing for this

specific item were mailed February 26, 2021 (20 days prior to the hearing) and March 8, 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 on the date of the mailing. The Highland Park Neighborhood Association notices were mailed to Ashley Kennebeck, 3818 7<sup>th</sup> Street, Des Moines, IA 50313.

8. **Relevant Zoning History:** The subject property was zoned to “I1” Industrial 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:** Industrial 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 “Industrial” within a Community Node. Plan DSM describes this designation as follows:

### Industrial

*Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.*

The requested amendment would be to the “Community Mixed Use” within a Community Node.

### 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.*

Based on these designations, the proposed “MX3” Mixed Use District zoning would be found not in conformance with the Comprehensive Plan unless the requested amendment were to be approved. Staff believes the proposed rezoning is appropriate

given the location of the subject property on a high-volume transportation corridor and given that the subject property is in a transition between Industrial and Mixed Use. The adjacent property to the west carries the same requested "Community Mixed Use" future land use designation and "MX3" Mixed Use District zoning.

**2. Planning and Design Ordinance:** Any re-occupancy for a Restaurant use must comply with all applicable Site Plan and Design regulations of the Chapter 135 Planning and Design Ordinance.

**3. Staff Rationale:** Staff believes that the proposed future land use designation amendment and rezoning are appropriate. The existing building is purposed for the proposed use. PlanDSM contemplates a mix of commercial, residential, and industrial uses within close proximity to nodes and near major corridors.

## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION:**

Jann Freed made a motion for approval of Part A) the proposed rezoning to "MX3" Mixed Use District be found **not** in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial within a Community Node, Part B) **APPROVAL** of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Industrial within a Community Node to Community Mixed Use within a Community Node and Part C) **APPROVAL** of requested rezoning the subject property from "I1" Industrial District to "MX3" Mixed Use District.

Motion passed: 9-0-1

Respectfully submitted,



Erik Lundy, AICP  
Senior City Planner

EML:tjh

Item: ZON2021-00017

Date: 3/10/21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: *Randy Krohn*

Name: Randy Krohn

Address: 1363 N.W. 132<sup>nd</sup> St  
Clive IA 50325

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
**MAR 29 2021**

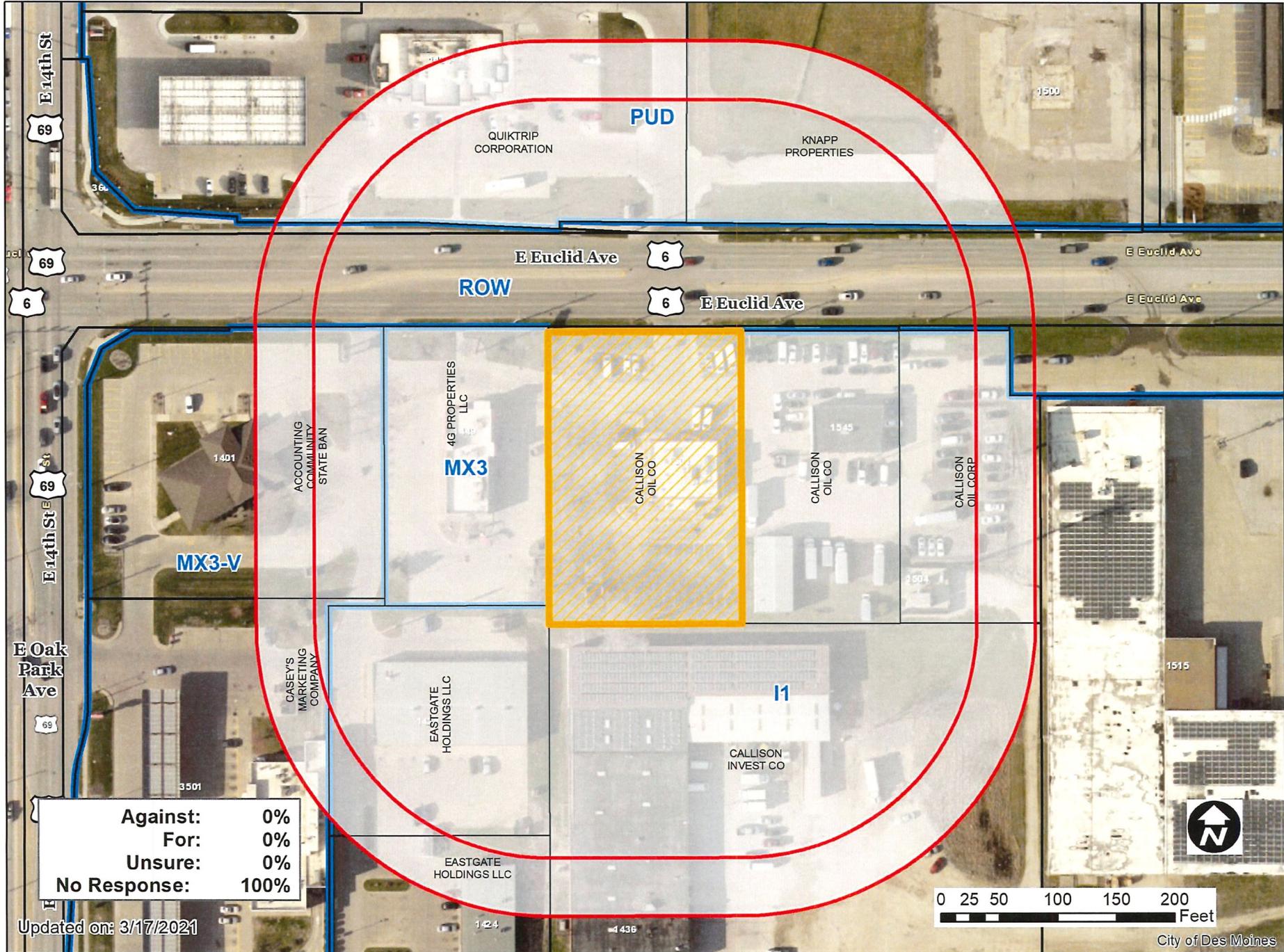
Reason for opposing or approving this request may be listed below:

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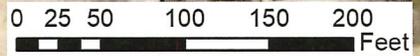
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Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 3/17/2021



City of Des Moines

1 inch = 109 feet