



Date June 28, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM ZION CAPITAL GROUP, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2453 EAST GRAND AVENUE

WHEREAS, on June 14, 2021, by Roll Call No. 21-0860, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Zion Capital Group, LLC (owner), represented by Ryan Campos (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2453 East Grand Avenue (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow rezoning to Limited ‘RX1’ Mixed Use District to allow reuse of the existing building for mixed residential and commercial use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Zion Capital Group, LLC Company (Owner), represented by Ryan Campos (officer), to rezone the Property from ‘N3c’ Neighborhood District to Limited ‘RX1’ Mixed Use District for the above-stated purpose, subject to the following conditions:

1. The Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “RX1” Districts and either the Commercial Cottage or General Building type, including landscaping and paving requirements, within one (1) year of the approval of the rezoning;
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator;
3. The number of Household Living Units on the property shall not exceed three (3) units; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0860, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on June 28, 2021 at 5:00 P.M., in the Council Chambers; 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; and



Roll Call Number

Agenda Item Number

600

Date June 28, 2021

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 2453 East Grand Avenue, legally described as:

THE EAST 55 FEET OF LOT 1 IN CENTRAL PARK, AN OFFICIAL PLAT, AND THE WEST 15 FEET OF LOT A IN WM. T. SMITH'S GRAND AVENUE ADDITION TO GRANT PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from 'N3c' Neighborhood District to Limited 'RX1' Mixed Use District, subject to the conditions stated above.

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

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 PlanDSM and proposed rezoning of the Property to Limited 'RX1' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited 'RX1' 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
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.12)
(ZON2021-00023)

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



June 8, 2021

Date June 28, 2021

Agenda Item 60

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 May 20, 2021 meeting, the following action was taken regarding a request from Zion Capitol Group, LLC (owner) represented by Ryan Campos (officer) to rezone property located at 2453 East Grand Avenue from "N3c" Neighborhood District to "RX1" Mixed Use District, to allow reuse of the existing building for mixed residential and commercial use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) **Approval** of the requested amendment to the PlanDSM future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) **Approval** of rezoning the property to a Limited “RX1” Mixed Use District subject to the following conditions:

1. The Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “RX1” Districts and either the Commercial Cottage or General Building Type, including landscaping and paving requirements, within one (1) year of the approval of the rezoning.
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. The number of Household Living units on the property shall not exceed three (3) units.
(ZON2021-00023)

Written Responses

2 in Favor

2 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the requested amendment to the PlanDSM future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of rezoning the property to a Limited “RX1” Mixed Use District subject to the following conditions:

1. The Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “RX1” Districts and either the Commercial Cottage or General Building Type, including landscaping and paving requirements, within one (1) year of the approval of the rezoning.
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. The number of Household Living units on the property shall not exceed three (3) units.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking the rezoning in order to allow re-establishment of a mixed-use building with commercial use on the main floor and upper level multi-household living use. Previous legal non-conforming rights to these uses were determined lost by Zoning Enforcement on February 11, 2021 upon an extended vacancy of the building beyond 12 months.
2. **Size of Site:** 70 feet by 150 feet (10,500 square feet).

3. **Existing Zoning (site):** "N3c" Neighborhood District.
4. **Existing Land Use (site):** The property includes a two-story 5,132-square foot building built for commercial or mixed-use. There is an 18-foot by 40-foot detached garage on the south end of the property along the east/west alley.
5. **Adjacent Land Use and Zoning:**
 - East** - "P2"; Use is Fraternal Organization.
 - West** - "N3c"; Uses are One Household Living dwellings.
 - North** - "N3c"; Uses are One Household Living dwellings.
 - South** - "P2"; Use is Worship Assembly.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that is developed primarily with One Household Living residential uses, with commercial structures scattered throughout.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Fairground Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on April 30, 2021 and by mailing of the Final Agenda on May 14, 2021. Additionally, separate notifications of the hearing for this specific item were mailed April 30, 2021 (20 days prior to the hearing) and May 10, 2021 (10 days prior to the hearing) to the Fairground 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 Fairground Neighborhood Association notices were mailed to Laura Mundy, PO Box 473, Pleasant Hill, IA 50327.

The applicant can provide a summary of their required neighborhood outreach at the public hearing.
8. **Relevant Zoning History:** On December 15, 2019, the property was rezoned to "N3c" Neighborhood District with the update of the citywide Zoning Map.
9. **PlanDSM Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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 existing Low Density Residential designation is described as follows:

LOW DENSITY RESIDENTIAL

Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

In order to find the proposed rezoning in conformance with PlanDSM, staff believes that the requested amendment to designate the future land use to Community Mixed Use would also be necessary. Community Mixed Use is described as follows:

NEIGHBORHOOD MIXED USE

Small-scale mixed-use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service-oriented development. Low-medium density residential may be included in mixed use development.

The property is surrounded by remaining Low Density Residential designation but is abutting two civic uses, including a Fraternal Organization use to the east and a Worship Assembly use to the south. The subject property was most recently used for mixed-use until it went vacant and lost its non-conforming rights. It is 2-stories and is configured for mixed use. Conversion to a one household dwelling under House Type C requirements would not be very practical. The building was originally built with a storefront to the street. Converting the building to multi-household living use would require significant investment for accessibility and fire protection improvements.

The Neighborhood Mixed Use category allows residential density up to 12 units per acre which would allow for three units on the property. The building has been configured for 4 units at one point in time. Should the Commission determine that the building should be able to allow 4 units then an amendment to Community Mixed Use should be recommended which would allow for up to 17 units an acre. Staff believes that the Neighborhood Mixed Use would be most appropriate and, therefore, limit the number of Household Living units on the property to a maximum of three (3).

2. **Additional Information:** The subject property has an enforcement history dating back to 2001 that includes violations, such as storage of inoperable vehicles, storage of junk/debris on the property or on adjoining Right-Of-Way. The most recent rental certificate activity was for renewals filed in 2016. This renewal has expired and not been renewed.

Should the property be rezoned for allowance of the mixed-use, the conversion triggers the subsequent need for Site Plan compliance for the entire site with the Permit and Development Center.

Staff recommends that any rezoning of the property to "RX1" Mixed Use District be made subject to the following:

1. Any Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to "RX1" Districts and either

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the Commercial Cottage or General Building Type, including landscaping and paving requirements, within one year of the approval of the rezoning.

2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. The number of Household Living units on the property shall not exceed three (3) units.

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:

Part A) the proposed rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) **Approval** of the requested amendment to the PlanDSM future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) **Approval** of rezoning the property to a Limited "RX1" Mixed Use District subject to the following conditions:

1. The Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to "RX1" Districts and either the Commercial Cottage or General Building Type, including landscaping and paving requirements, within one (1) year of the approval of the rezoning.
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. The number of Household Living units on the property shall not exceed three (3) units.

Motion passed: 11-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Zion Capitol Group, LLC (owner) represented by Ryan Campos (officer) for the following regarding the property located at 2453 East Grand Avenue.				File #	
				21-2021-4.12	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N3c" Neighborhood District.				
Proposed Zoning District	"RX1" 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

Zion Capitol Group, LLC, 2453 East Grand Avenue

21-2021-4.12



1 inch = 93 feet

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Request from Zion Capitol Group, LLC (owner) represented by Ryan Campos (officer) for the following regarding the property located at 2453 East Grand Avenue.				File #	
				ZON2021-00023	
Description of Action	Rezone property from "N3c" Neighborhood District to "RX1" Mixed Use District, to allow reuse of the existing building for mixed residential and commercial use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N3c" Neighborhood District.				
Proposed Zoning District	"RX1" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	2			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Zion Capitol Group, LLC, 2453 East Grand Avenue

ZON2021-00023



1 inch = 93 feet

Item: ZON2021-00023 Date: _____

Please mark one of the following

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: Ileta Wilson

Name: Ileta Wilson

Address: 2439 E. Grand Avenue

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

In the pass Krouse's Grocery and Apts in the 1960's
In the 1970's Ward's Eastside Pharmacy and Apts
And hopefully they will do as well as these in
the pass did.

Item: ZON2021-00023 Date: May 14, 2021

Please mark one of the following

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: Steven R. Green

Name: STEVEN R. GREEN

Address: 4016 Mary Lynn Dr.

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

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Item: ZON2021-00023 Date: 5-12-21

Please mark one of the following

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: Edward Rock

Name: Edward - Rock

Address: 2437 Capitol Ave D.M.

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

Neighborhood should remain
Residential, it's bad enough we
have a BAR right down the street

Item: ZON2021-00023

Date: 5-15-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

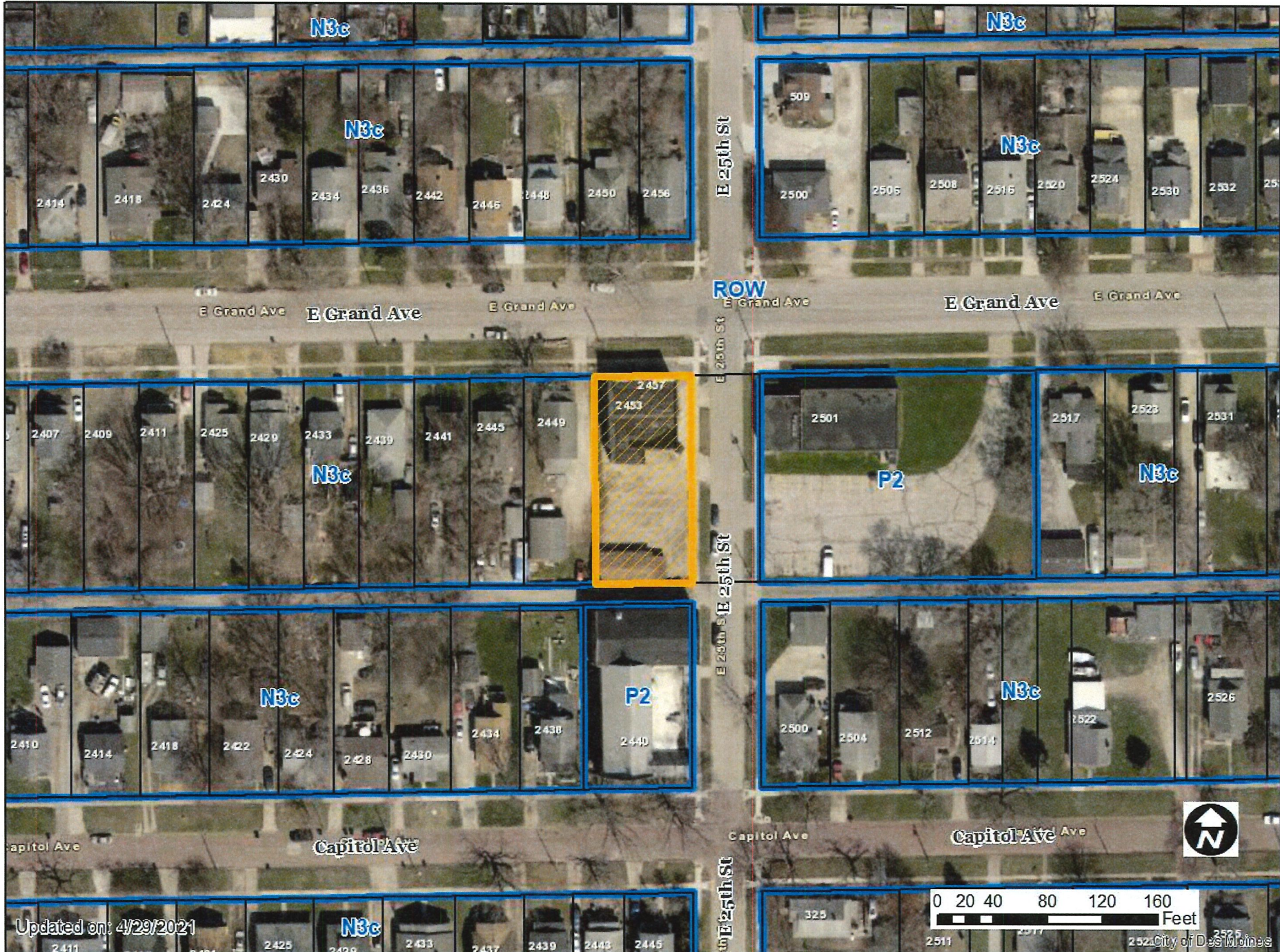
Signature: Brian Lloyd

Name: Brian Lloyd

Address: 2506 E. Grand Ave

Staff Use Only

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



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Updated on 5/19/2021

1 inch = 93 feet