



Date July 19, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM LARSON ENTERPRISES TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1600 EAST ARMY POST ROAD

WHEREAS, on June 28, 2021, by Roll Call No. 21-0971, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 17, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Larson Enterprises (Owner), represented by John Fitzgerald (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1600 East Army Post Road (“Property”) from Business Park to Community Mixed Use to allow rezoning to ‘CX’ Mixed Use District, to allow an expansion of the existing Large Format Retail Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 17, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Larson Enterprises (Owner), represented by John Fitzgerald (officer), to rezone the Property from ‘EX’ Mixed Use District to ‘CX’ Mixed Use District for the above-stated purpose; and

WHEREAS, on June 28, 2021, by Roll Call No. 21-0971, 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 July 19, 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

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 1600 East Army Post Road, legally described as:

LOT 1 IN NEW HOPE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT HIGHWAY.

AND



Date July 19, 2021

A PARCEL OF LAND IN THE SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER OF SECTION 26 TOWNSHIP 78 NORTH RANGE 24, WEST OF 5TH P.M., POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 16 SECONDS EAST (ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER 80.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARMY POST ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 04 MINUTES 16 SECONDS EAST, ALONG SAID EAST LINE 590.43 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 57 MINUTES 22 SECONDS WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER, 153.05 FEET TO A POINT; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS WEST, PARALLEL TO THE EAST LINE OF SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER, 592.20 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARMY POST ROAD; THENCE NORTH 89 DEGREES 27 MINUTES 35 SECONDS EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE 153.06 FEET TO THE POINT OF BEGINNING.

from 'EX' Mixed Use District to 'CX' Mixed Use District.

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 'CX' 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 Business Park to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'CX' 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.



Roll Call Number

Agenda Item Number

62

Date July 19, 2021

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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

(21-2021-4.19)
(ZON2021-00071)

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 22, 2021

Date July 19, 2021
 Agenda Item 62
 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 June 17, 2021 meeting, the following action was taken regarding a request from Larson Enterprises (owner) represented by John Fitzgerald (officer) to rezone property located at 1600 East Army Post Road from “EX” Mixed Use District to “CX” Mixed Use District, to allow an expansion of the existing Large Format Retail 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			
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 requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) **Approval** of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Community Mixed Use.

Part C) **Approval** of the proposed rezoning of the subject property from “EX” Mixed Use District to “CX” Mixed Use District. (ZON2021-00071)

Written Responses

0 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Community Mixed Use.

Part C) Staff recommends approval of the proposed rezoning of the subject property from “EX” Mixed Use District to “CX” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to enclose the existing loading dock located on the exterior of the rear of the building and pave the existing gravel fire lane. The property is currently zoned “EX” District, which is intended for business park development and does not allow retail uses. The proposed rezoning and land use amendment are necessary to allow for the requested expansion of the building structure and additional pavement. Any future construction or site improvements would be subject to compliance with a Site Plan.

2. **Size of Site:** 3.456 acres.

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

4. **Existing Land Use (site):** The subject property consists of a retail sales location for Slumberland and acts as a metro distribution center.

5. Adjacent Land Use and Zoning:

North – “CX-V” & “N1a”; Uses are multi-tenant commercial center and one-household dwelling units.

South – “EX”; Uses are office/warehousing and undeveloped land used for Crop Production.

East – “EX” & “N1a”; Uses are one-household dwelling units.

West – “EX”; Use is office and retail.

6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Southeast 14th Street/U.S. Highway 69 and East Army Post Road. The area contains a mix of commercial, industrial, agricultural and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Easter Lake Area. The neighborhood associations May 28, 2021 and by mailing of the Final Agenda on June 11, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on May 28, 2021 (20 days prior to the public hearing) and June 7, 2021 (10 days prior to the public hearing) to the neighborhood associations 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 Services Department on the date of the mailing. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.
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 as "Business Park" on the Future Land Use Map. PlanDSM describes this designation as follows:

BUSINESS PARK

Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The applicant is proposing to rezone the property from “EX” District to “CX” District. The Zoning Ordinance states that “CX” is intended for nodes and corridors with larger-scale single-use commercial accommodating higher levels of vehicular traffic than MX districts and more intensive commercial uses, especially with outdoor sales and storage”.

The proposed “CX” District zoning requires the future land use designation to be amended from “Business Park” to “Community Mixed Use” 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.

PlanDSM describes Community Mixed Use 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.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the existing use can be expanded.
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

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 requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) **Approval** of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Community Mixed Use.

Part C) **Approval** of the proposed rezoning of the subject property from "EX" Mixed Use District to "CX" Mixed Use District.

Motion passed: 12-0

Respectfully submitted,



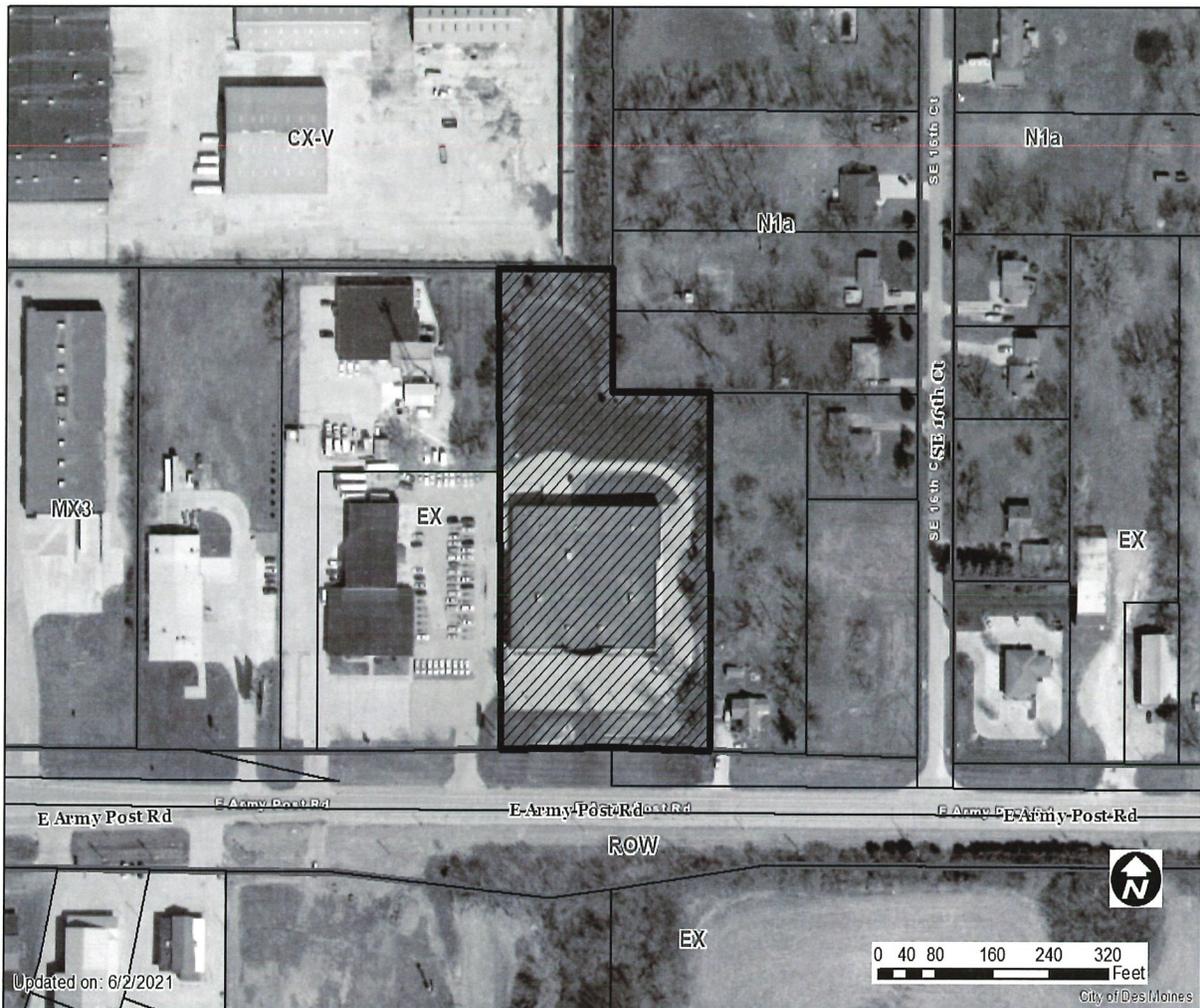
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Larson Enterprises (owner) represented by John Fitzgerald (officer) for the property located at 1600 East Army Post Road.				File #	
				21-2021-4.19	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Community Mixed Use.				
PlanDSM Future Land Use	Current: Business Park Proposed: Community Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"EX" Mixed Use District				
Proposed Zoning District	N/A.				
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

Larson Enterprises, 1600 East Army Post Road

21-2021-4.19

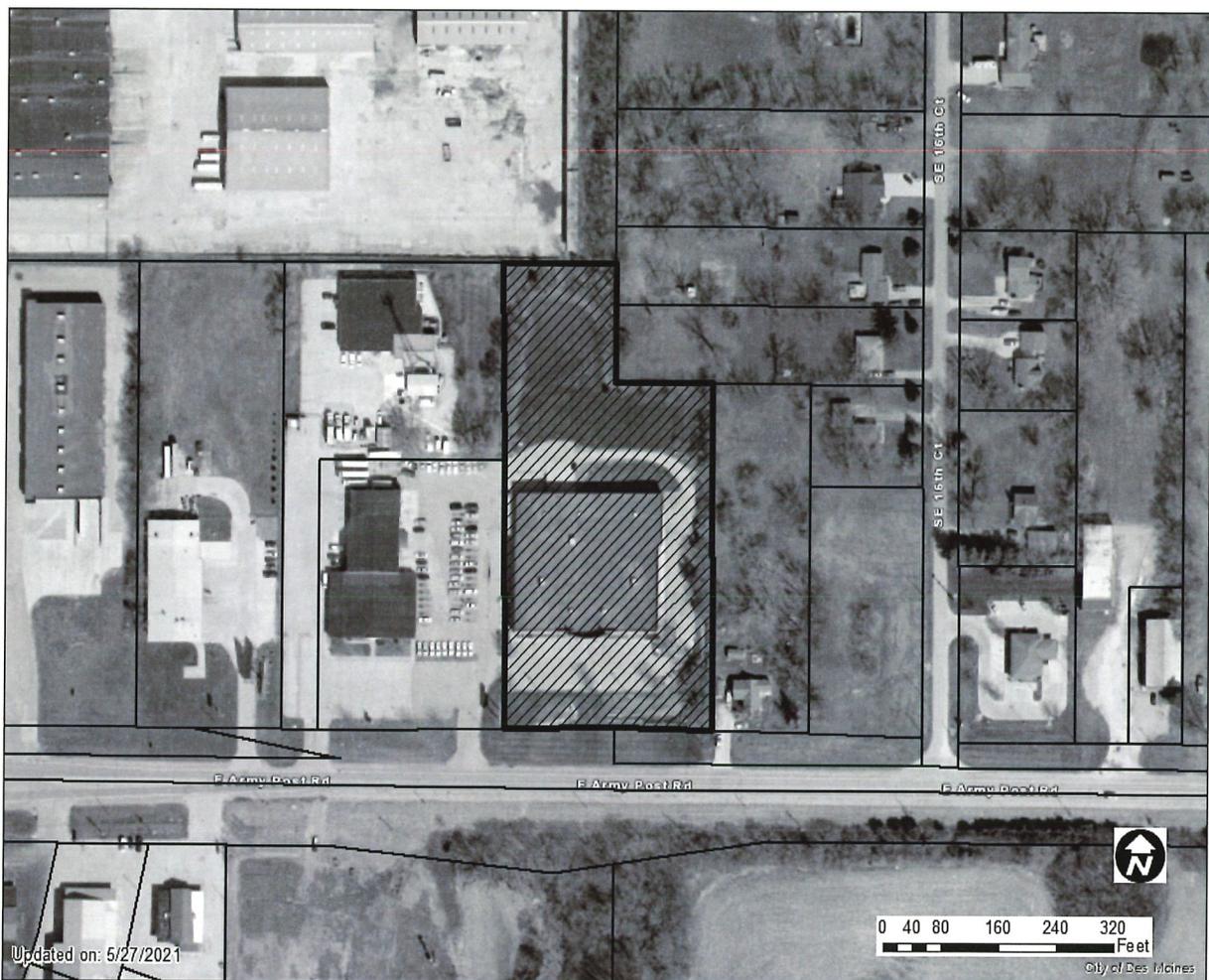


1 inch = 167 feet

Request from Larson Enterprises (owner) represented by John Fitzgerald (officer) for the property located at 1600 East Army Post Road.				File #	
				ZON2021-00071	
Description of Action	Rezone property from "EX" Mixed Use District to "CX" Mixed Use District, to allow an expansion of the existing Large Format Retail use.				
PlanDSM Future Land Use	Current: Business Park Proposed: Community Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.				
Current Zoning District	"EX" Mixed Use District				
Proposed Zoning District	"CX" 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

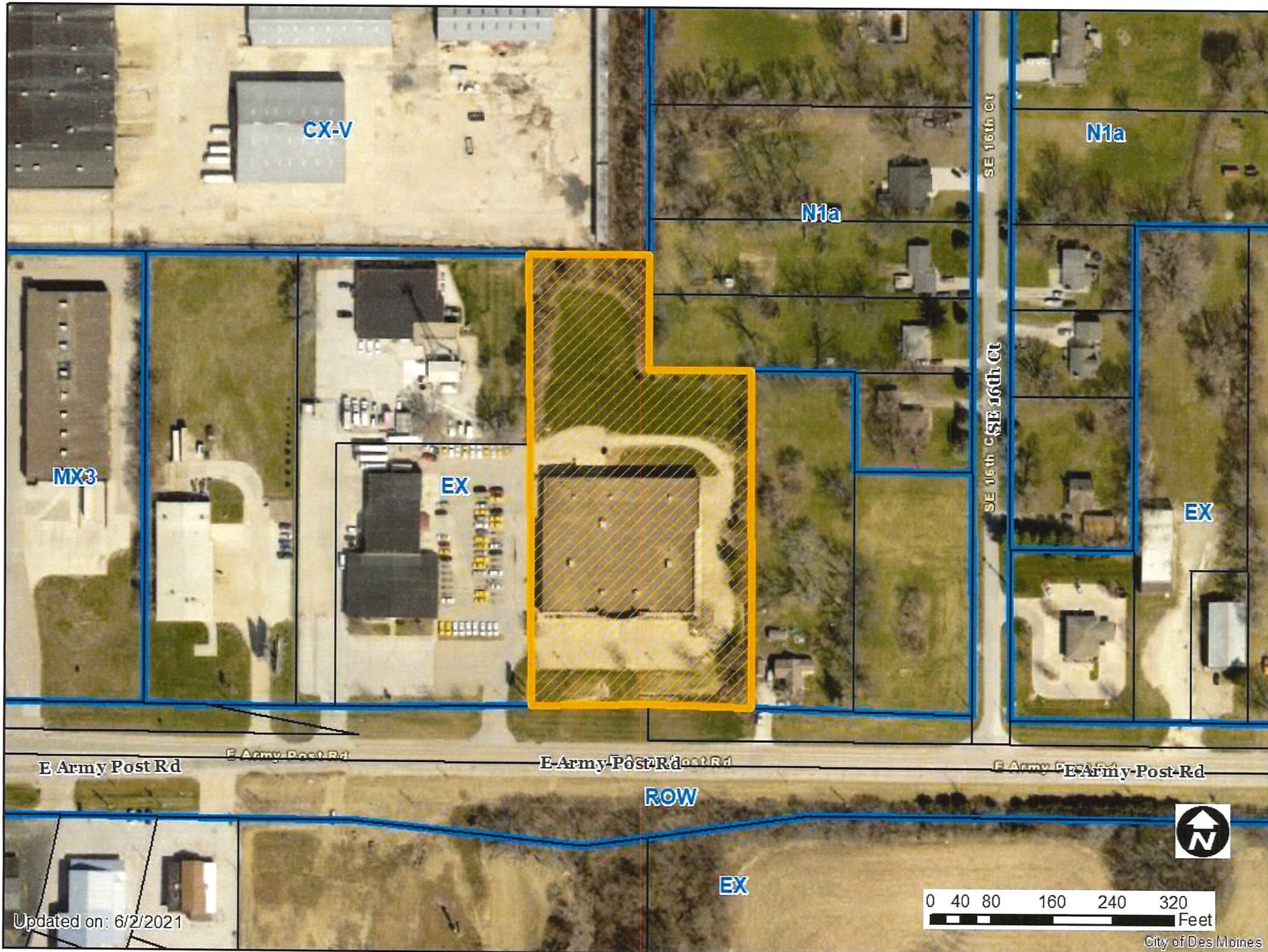
Larson Enterprises, 1600 East Army Post Road

ZON2021-00071

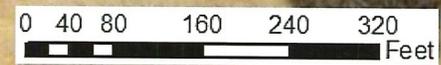


1 inch = 167 feet

67

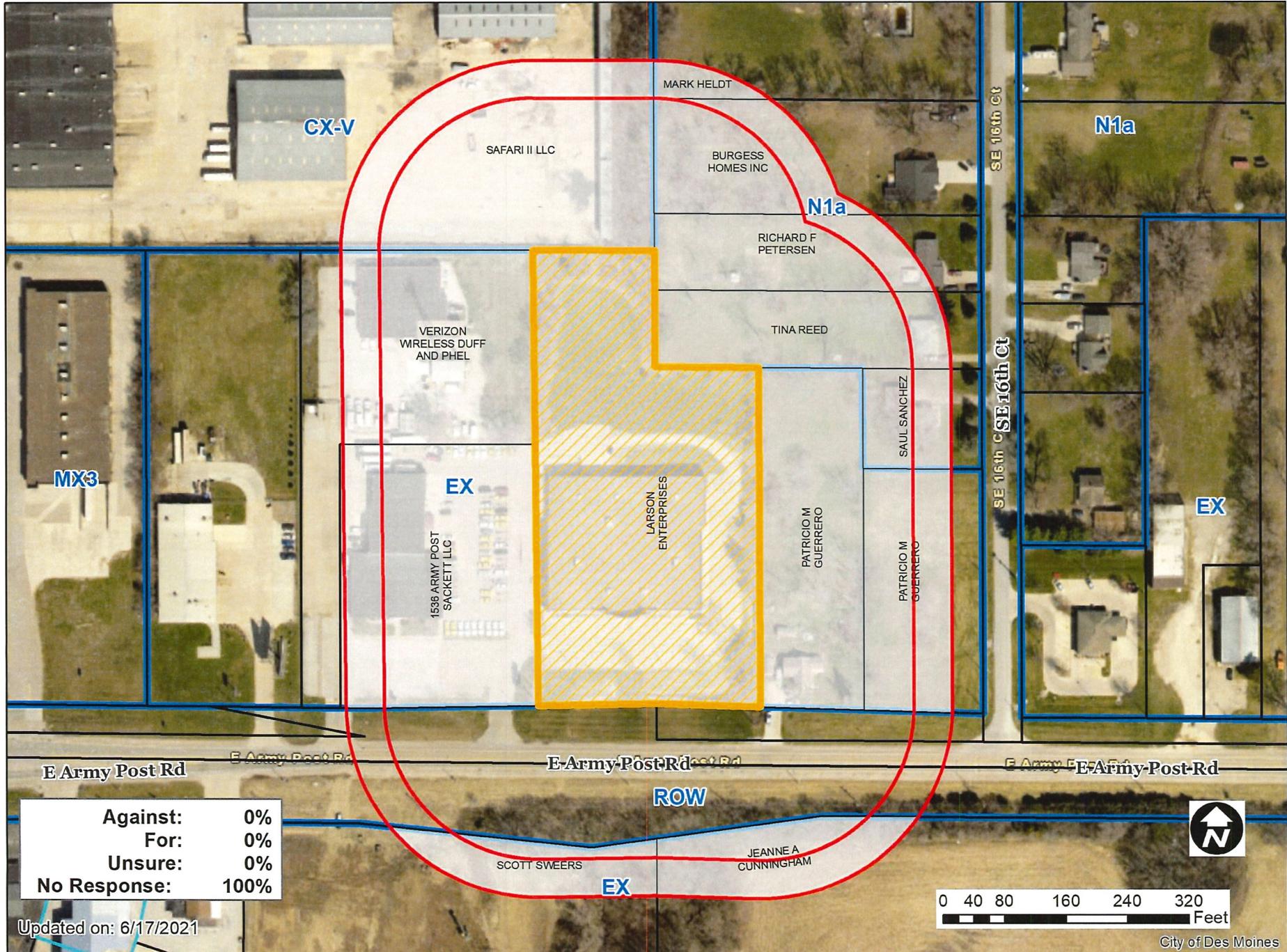


Updated on: 6/2/2021



City of Des Moines

1 inch = 167 feet

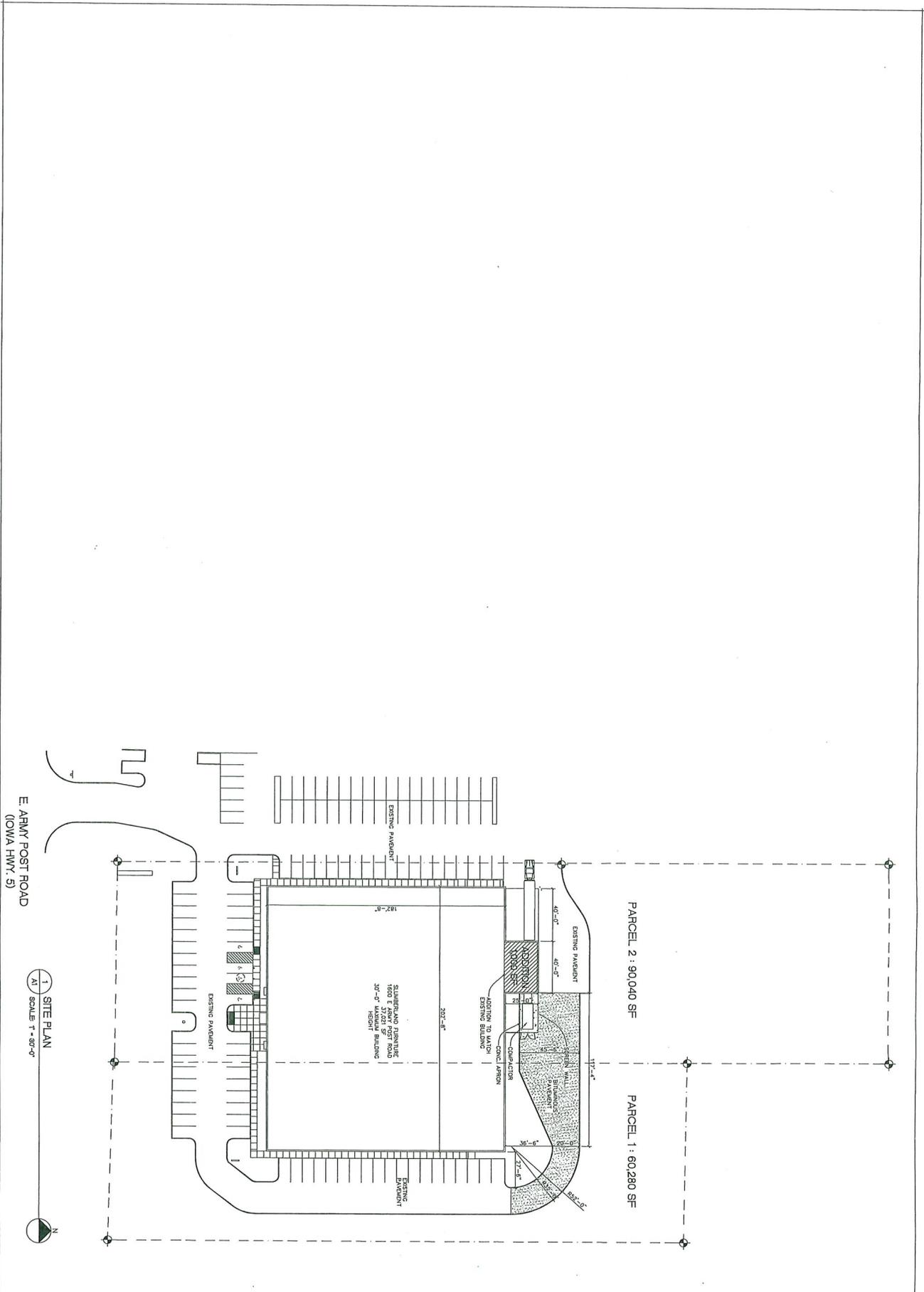


Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 6/17/2021

City of Des Moines

1 inch = 167 feet

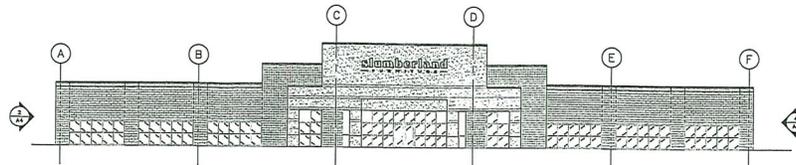


E ARMY POST ROAD
(IOWA HWY. 5)

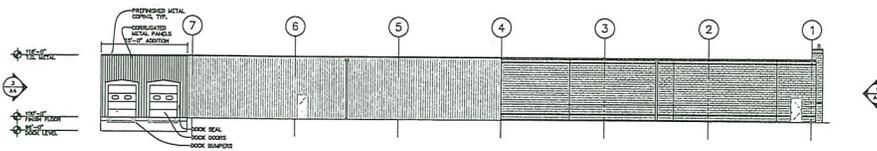
1 SITE PLAN
A1 SCALE 1" = 30'-0"



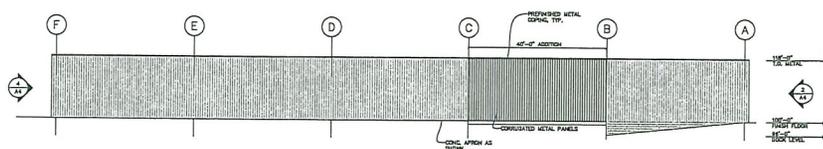
<p>1320023</p> <p>A1</p>	<p>REZONING</p> <p>BUILDING ADDITION</p> <p>SLUMBERLAND FURNITURE</p> <p>1600 E ARMY POST ROAD</p> <p>DES MOINES IOWA</p>	<p>PRELIMINARY</p> <p>DATE</p>	<p>NORTH</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	REVISION																															<p>WM Wunderlich-Malec</p> <p>Engineering Systems Architecture</p> <p>332 McVassala Street Suite W2200 St Paul, MN 55101 Phone (651) 903-0456</p>	<p>UNDESIGNED/UNPERMITTED</p> <p>COPYRIGHT © 2011</p> <p>THIS DRAWING IS THE PROPERTY OF WUNDERLICH-MALEC ARCHITECTURE AND ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF WUNDERLICH-MALEC ARCHITECTURE AND ENGINEERING.</p> <p>ISSUE DATE: _____</p> <p>DATE: _____</p> <p>FIG. NO. _____</p>
	NO.	DATE	REVISION																																				



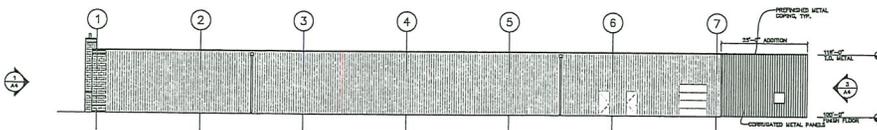
1 SOUTH ELEVATION
A4 SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
A4 SCALE: 3/32" = 1'-0"



3 NORTH ELEVATION
A4 SCALE: 3/32" = 1'-0"



4 EAST ELEVATION
A4 SCALE: 3/32" = 1'-0"

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DATE: 05/19/2021
PAGE NO: 1

WM Wunderlich-Malec
Engineering | Systems | Architecture
3320 University Blvd., Suite 2000 Des Moines, IA 50319
515.281.1100

NO.	DATE	REVISION

05/19/2021

REZONING
BUILDING ADDITION
SLUMBERLAND FURNITURE
1600 E ARMY POST ROAD
DES MOINES, IOWA

1320023

A4