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**Date** August 9, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM BAKKIE PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT 914 EAST EUCLID AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 15, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Bakkie Properties, LLC (Owner), represented by James Bakkie (officer) to rezone real property locally known as 914 East Euclid Avenue (“Property”) from ‘MX3’ Mixed Use District to ‘RX2’ Mixed Use District to allow development of additional Multiple Household Living dwellings on the property, where the structures would contain dwelling units on the ground level; and

**WHEREAS**, the Property is legally described as follows:

LOT THIRTEEN (13), IN EUCLID PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DESCRIBED AS PARCEL "A" ON THE PLAT OF SURVEY FILED JULY 14, 2010 IN BOOK 13507, PAGE 908 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on August 23, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.



Roll Call Number

Agenda Item Number

16

Date August 9, 2021

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
Assistant City Attorney

(ZON2021-00076)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

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.

Mayor

City Clerk

Date Aug 9, 2021  
 Agenda Item 16  
 Roll Call # \_\_\_\_\_

July 22, 2021

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 15, 2021 meeting, the following action was taken regarding a request from Bakkie Properties, LLC (owner), represented by James Bakkie (officer) to rezone property located at 914 East Euclid Avenue from "MX3" Mixed Use District to "RX2" Mixed Use District to allow development of additional Multiple Household Living dwellings on the property, where the structures would contain dwelling units on the ground level.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

| <u>Commission Action:</u> | <u>Yes</u> | <u>Nays</u> | <u>Pass</u> | <u>Absent</u> |
|---------------------------|------------|-------------|-------------|---------------|
| Francis Boggus            | X          |             |             |               |
| Dory Briles               | X          |             |             |               |
| Abby Chungath             |            |             |             | X             |
| Kayla Berkson             | X          |             |             |               |
| Chris Draper              | X          |             |             |               |
| Jann Freed                | X          |             |             |               |
| Todd Garner               | X          |             |             |               |
| Johnny Alcivar            | X          |             |             |               |
| Lisa Howard               |            |             |             | X             |
| Carolyn Jenison           | 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 is in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use within a Community Node.

Part B) **APPROVAL** of requested rezoning the subject property from “MX3” Mixed Use District to “RX2” Mixed-Use. (ZON2021-00076)

Written Responses

2 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 expand the existing Multiple Household Living (4 units) use of the property to include additional Multiple Household Living structure(s). The current “MX3” Mixed Use District only allows household living units on upper floors only per the City Code Table 134-3.1-1, whereas the requested “RX2” Mixed Use District allows household living on all floors.

2. **Size of Site:** 70 feet by 185 feet (13,039 square feet).

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

4. **Existing Land Use (site):** Multiple Household Living use with four (4) dwelling units.

**5. Adjacent Land Use and Zoning:**

**North** – “N3a”; Use is vacant land.

**South** – “MX3”, Uses are East Euclid Avenue and a restaurant with drive-through window (Taco Johns).

**East** – “MX3”; Use is a Bar (Bailey’s Pub & Grub).

**West** – “MX3”; Use is a restaurant with drive-through window (KFC).

6. **General Neighborhood/Area Land Uses:** The subject property is located on the U.S. Highway 6/East Euclid Avenue corridor, just west of the East 14<sup>th</sup> 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 June 25, 2021 and by mailing of the Final Agenda on July 9, 2021. Additionally, separate notifications of the hearing for this

specific item were mailed June 25, 2021 (20 days prior to the hearing) and July 2, 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 Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

The appellant must provide a summary of their neighbor communications to City Staff at least 3 days before the Plan & Zoning Commission holds the public hearing.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use within a Community Node centered at East Euclid Avenue and East 14<sup>th</sup> Street.

**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 construction of a Multiple Household Living use 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 expansion of a Multiple Household Living use is appropriate given the location within a Community Node. PlanDSM contemplates density within nodes and provides opportunities for affordable housing within close proximity to a range of services.

## 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:

Will Page made a motion of:

Part A) the proposed rezoning to "RX2" Mixed Use District is in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use within a Community Node.

Part B) **APPROVAL** of requested rezoning the subject property from "MX3" Mixed Use District to "RX2" Mixed-Use.

Motion passed: 13-0

Respectfully submitted,



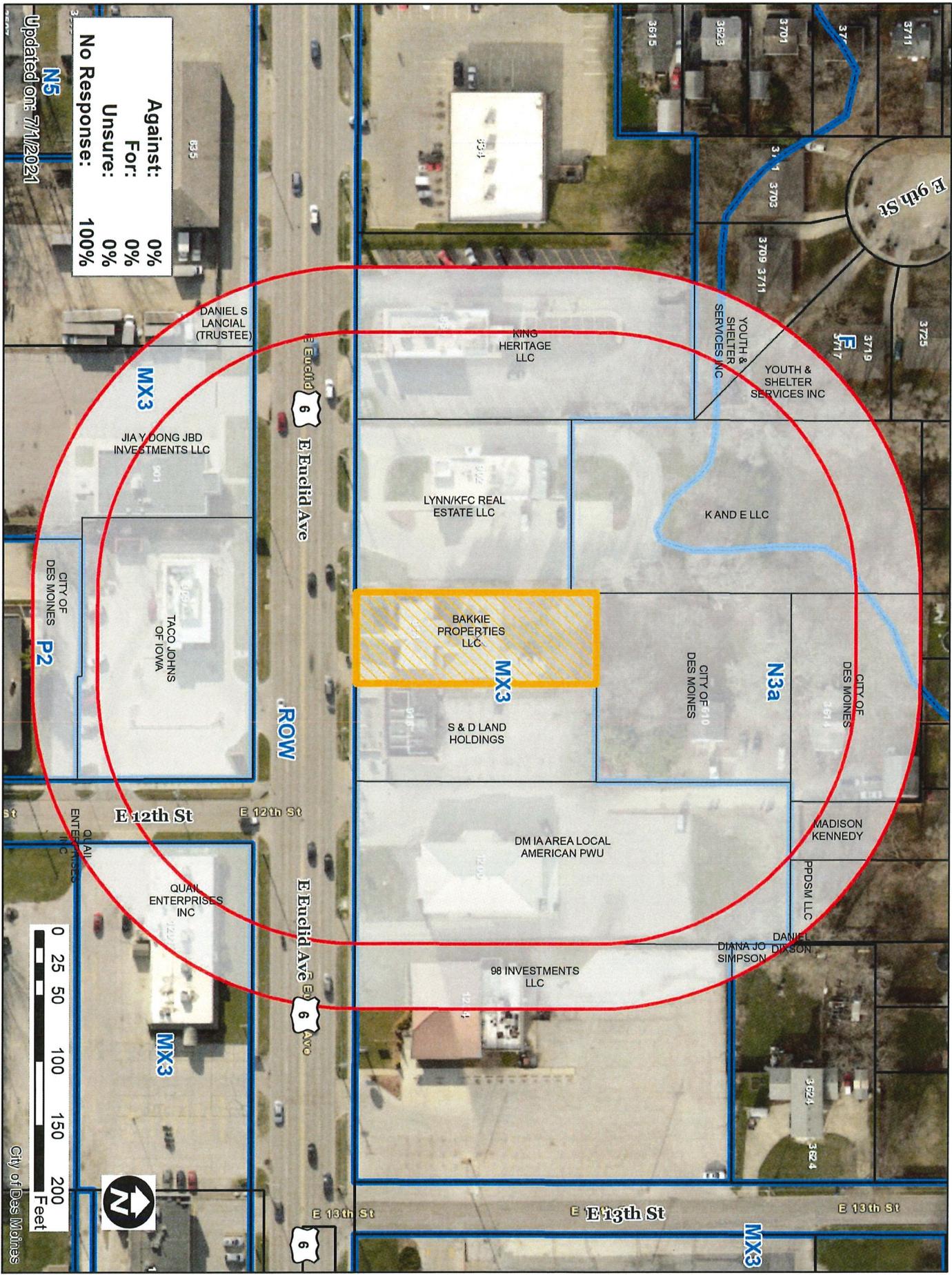
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

Bakkie Properties, LLC, 914 East Euclid Avenue

ZON2021-00076

16



1 inch = 98 feet

Item: ZON2021-00076

Date: 7/16/21<sup>16</sup>

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Shelly Sikes

Name: Shelly Sikes

Address: 918 S Euclid

Staff Use Only  
H.C.D.E  
COMMUNITY DEVELOPMENT  
JUL 19 2021

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZON2021-00076

Date: 7-6-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Will Kellogg

Name: Will Kellogg

Address: 1201 E. Euclid Ave

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 19 2021

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_