



Date November 1, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM DAVID GRIFFITH
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO
REZONE PROPERTY LOCATED AT 1626 BUCHANAN STREET**

WHEREAS, on October 18, 2021, by Roll Call No. 21-1556, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from David Griffith (owner) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1626 Buchanan Street (“Property”) from Business Park to Low Density Residential, to allow rezoning and use of the Property for construction of an one-household residential dwelling; and

WHEREAS, on October 18, 2021, by Roll Call No. 21-1556, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from David Griffith (owner) to rezone the Property from EX Mixed Use District to NX1 Neighborhood Mix District for the above-stated purpose; and

WHEREAS, on October 18, 2021, by Roll Call No. 21-1556, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on November 1, 2021, at 5:00 p.m., at the City 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 land use amendment and rezoning; 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 1626 Buchanan Street, legally described as:

East 110 Feet of LOT 4 of Block 53 of Stewards Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from EX Mixed Use District to NX1 Neighborhood Mix District, to allow construction of an one-household residential dwelling; and

WHEREAS, in accordance with said notice, those interested in said proposed land use 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.

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 land use amendment and the proposed rezoning of the Property to NX1 Neighborhood Mix District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Business Park to Low Density Residential, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to NX1 Neighborhood Mix District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

 **Roll Call Number**

Agenda Item Number

47

Date November 1, 2021

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZONG2021-000021)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
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 November 1, 2021

Agenda Item 47

Roll Call # _____

October 12, 2021

Communication from the City Plan and Zoning Commission advising that at their October 7, 2021 meeting, the following action was taken regarding a request from David Griffith (owner) to rezone property located at 1626 Buchanan Street from "EX" Mixed Use District to "NX1" Neighborhood Mix District to allow development of the property for a residential use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

APPROVAL of Part A) The requested "NX1" District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Approval of the request to rezone the property from "EX" Mixed Use District to "NX1" Neighborhood District. (ZONG-2021-000021)

Written Responses

4 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “NX1” District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Staff recommends approval of the request to rezone the property from “EX” Mixed Use District to “NX1” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION**I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant is proposing to rezone the subject property to “NX1” Neighborhood District to facilitate construction of a one-household dwelling.

Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

- 2. Size of Site:** 110 feet by 123 feet (13,530 square feet or 0.311 acres).
- 3. Existing Zoning (site):** “EX” Mixed-Use District.
- 4. Existing Land Use (site):** The subject property consists of a vacant lot. A 660-square foot dwelling was listed as a public nuisance in 2011 and demolished in 2012.
- 5. Adjacent Land Use and Zoning:**
 - North** – “EX”; Uses are religious assembly.
 - South** – “EX”; Uses are one-household residential.
 - East** – “EX”; Uses are undeveloped land and one-household residential.
 - West** – “EX”; Uses are one-household residential.
- 6. General Neighborhood/Area Land Uses:** The subject property is located along the north side of Buchanan Street between East 16th Street and East 17th Street. The area consists of a mix of commercial, educational, open space/public, religious assembly, and one- and two-household residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood. The neighborhood associations were notified of the September 16, 2021 public hearing by mailing of the Preliminary Agenda on August 27,

2021 and by mailing of the Final Agenda on September 10, 2021. The neighborhood associations were notified of the October 7, 2021 public hearing by mailing of the Preliminary Agenda on September 20, 2021 and by mailing of the Final Agenda on October 1, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the September 16, 2021 public hearing) and September 3, 2021 (10 days prior to the September 16, 2021 public hearing) and on September 17, 2021 (20 days prior to the October 7, 2021 public hearing) and September 27, 2021 (10 days prior to the October 7, 2021 public hearing) 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 Martin Luther King Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.

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:** In 2014, a Martin Luther King, Jr. Park Neighborhood Plan was prepared. This plan recommended changing the future land use designation for the area between East University Avenue and Interstate 235 to “Planned Business Park”. The plan also states, “Properties should be rezoned once parcels are assembled for development. The existing R1-60 District should remain in place until then.”

In 2016, the City adopted the PlanDSM Comprehensive Land Use Plan, which designated this area as “Business Park” on the future land use plan map.

In 2019, the City adopted the current zoning map, which rezoned this area from “R1-60” One-Family Low-Density Residential District to “EX” Mixed Use District since the new zoning had to be in conformance with the PlanDSM Comprehensive Land Use Plan.

On July 19, 2012, by permit number BLD2011-01463 was issued allowing the demolition of a 660-square foot dwelling on the property.

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 applicant is proposing to rezone the subject property from “EX” District to “NX1” District. The Zoning Ordinance states that the “EX” District is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices. The Zoning Ordinance also states that the “NX1” District is intended for a mix of single and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.

The subject property is within an area that is designated “Business Park” on the PlanDSM: Creating Our Tomorrow future land use plan 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 has requested that the future land use designation be revised from “Business Park” to “Low-Density Residential”. PlanDSM describes this designation 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.

Based on these designations, the proposed “NX1” Neighborhood District zoning would not be found in conformance with the Comprehensive Plan designation of Business Park but would be found in conformance with the requested designation of Low Density Residential.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.
3. **Staff Rationale:** Given the location of the property within the area situated between East University Avenue and Interstate 235, Staff believes that the area is appropriate for the “NX1” Neighborhood Mix District, which would allow for residential structures containing between one and eight dwelling units. The “NX1” District would allow for a one-household dwelling, as proposed by the applicant, as well as two-household dwellings and/or rowhouse dwellings containing up to eight dwelling 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:

Francis Boggus made a motion for:

Part A) The requested "NX1" District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Low Density Residential.

Part C) Approval of the request to rezone the property from "EX" Mixed Use District to "NX1" Neighborhood District.

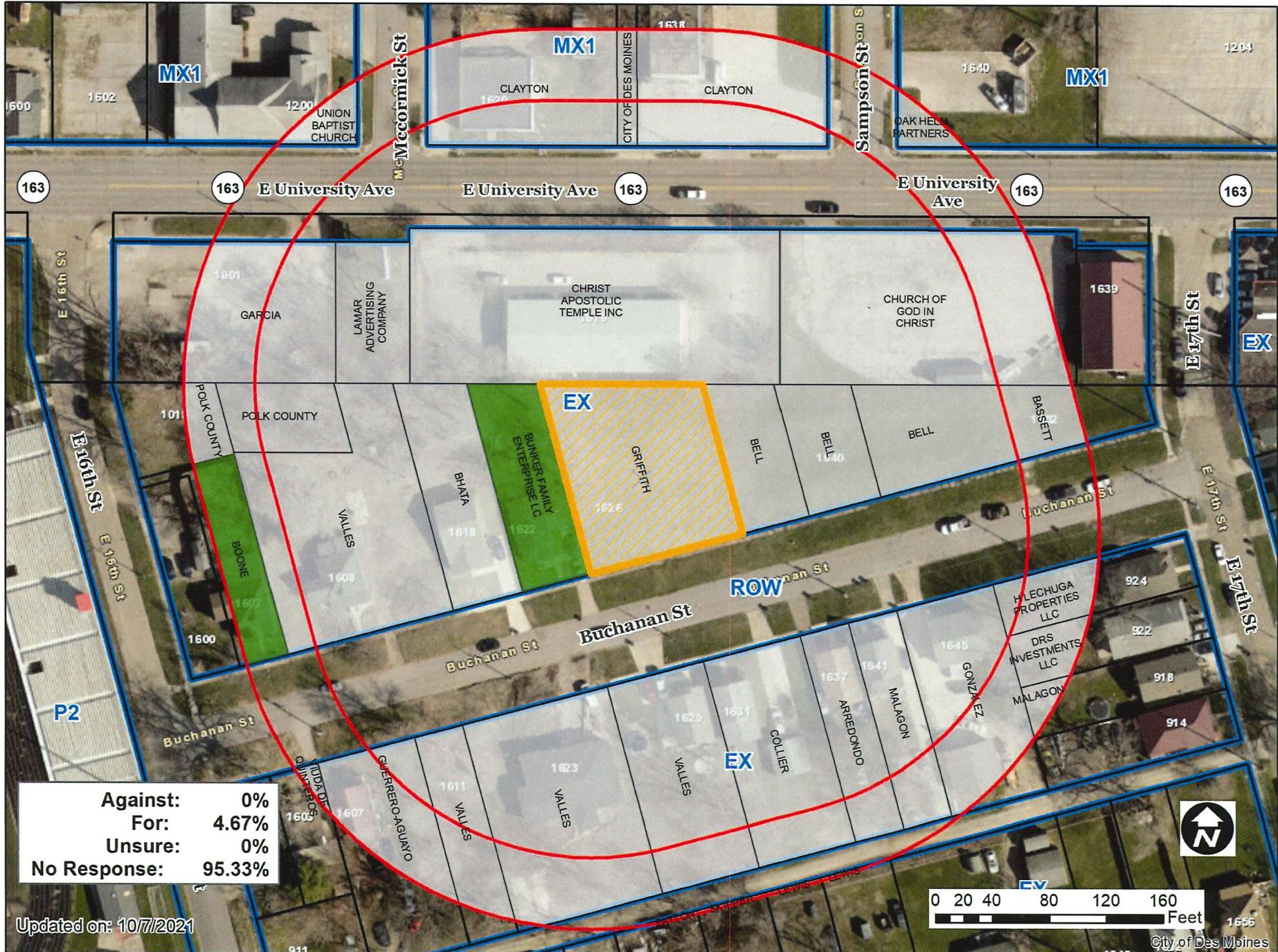
Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



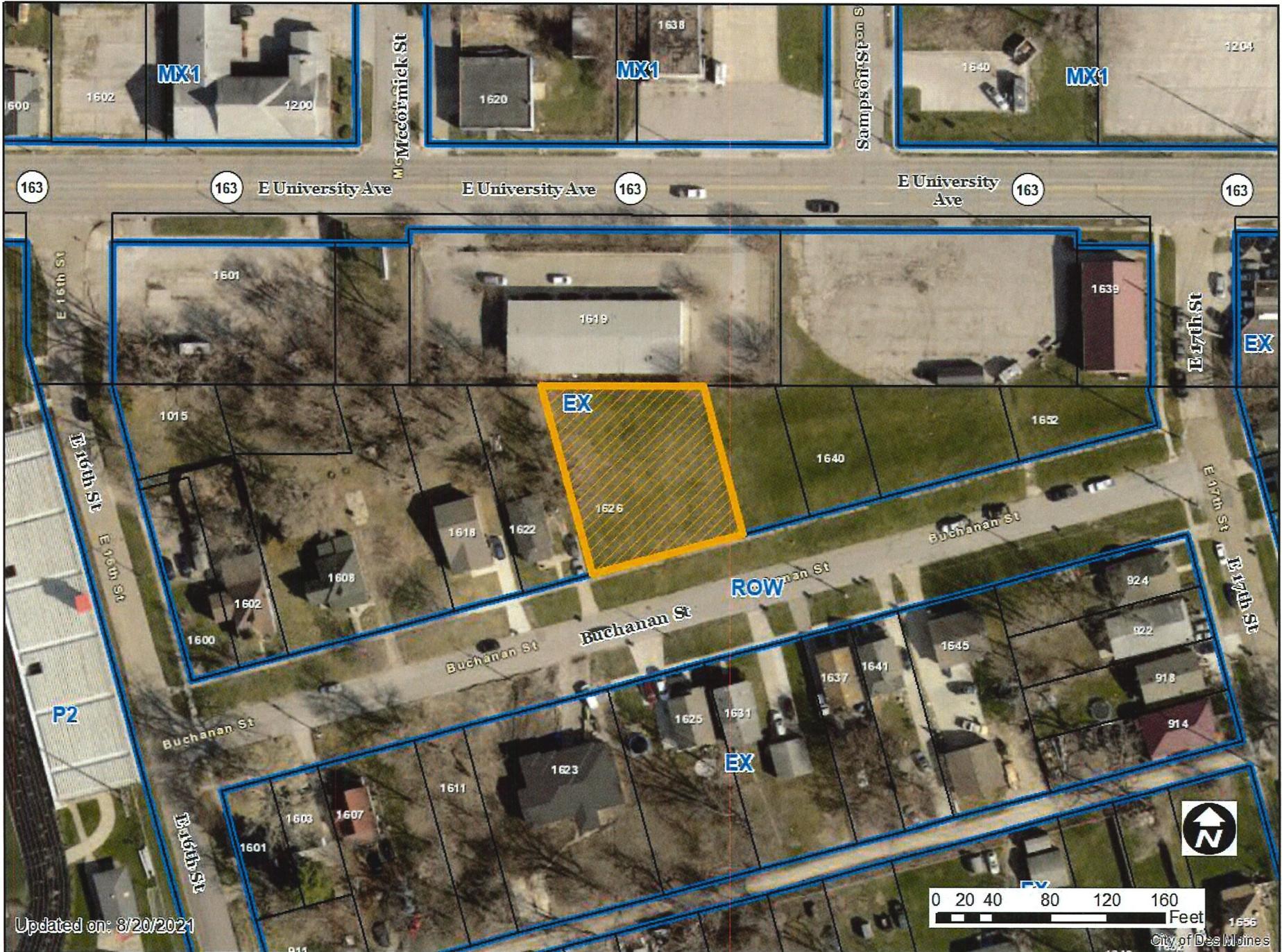
Against:	0%
For:	4.67%
Unsure:	0%
No Response:	95.33%

Updated on: 10/7/2021



City of Des Moines

1 inch = 89 feet



Updated on: 8/20/2021

1 inch = 89 feet

47

Item: ZONG-2021-000021

Date: _____

Please mark one of the following

- I am in favor of the request *I have no objection.*
- I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 13 2021

Signature: *Nancy J Bunker, Manager*

Name: BUNKER FAMILY ENTERPRISES, L.C.
NANCY J BUNKER

Address: 1911 69th Street
Windsor Heights, IA 50324 5008

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

I have no objection.

Item: ZONG-2021-000021

Date: 9-14-21 47

Please mark one of the following

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

Signature: Dessie P. Boone
 Name: DESSIE P. BOONE
 Address: 1602 Buchanan

Staff Use Only

RECEIVED
 COMMUNITY DEVELOPMENT
 SEP 20 2021

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

Item: ZONG-2021-000021

Date: _____

Please mark one of the following

- I am in favor of the request *I have no objection.*
- I am not in favor of the request

Signature: Nancy Bunker, Manager
 Name: BUNKER FAMILY ENTERPRISES, L.C.
NANCY J BUNKER
 Address: 1911 69th Street
Windsor Heights, IA 50324-5808

Staff Use Only

RECEIVED
 COMMUNITY DEVELOPMENT
 SEP 13 2021

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

I have no objection.

Item: ZONG-2021-000021

Date: 9/13/2021

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
SEP 20 2021

Signature: David A. Griffith

Name: David A. Griffith

Address: 11475 Norbourne Dr
Cincinnati, OH 45240

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

Property Owner

Daughter wants to build a house on property.

Item: ZONG-2021-000021

Date: 10/1/2021

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
OCT 05 2021

Signature: David A. Griffith

Name: David A. Griffith

Address: 11475 Norbourne Dr.
Cincinnati, OH 45240

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

Property owner. Daughter wants to
build a house on property. Single-family
home construction.



August 17, 2021

To: The Des Moines City Planning and Zoning Board

From: The Martin Luther King Jr. Neighborhood Association Board Members

Greetings from the MLK Jr. Board Members

We are writing on behalf of Thomas and Victoria Douglas in support their application to rezone the property located at 1626 Buchanan Street. They have submitted a request to build new construction of One Household Dwelling. It is our pleasure to welcome them into the Martin Luther King Jr. Neighborhood and our intention to support them in their endeavor to build their new home.

The board members met on Thursday, August 12, 2021, and agreed that the rezoning of 1626 Buchanan Street for a New Construction of One Household Dwelling is satisfactory. We believe that this rezoning will bring additional value to our neighborhood from a property viewpoint, as well as bringing another great family back to the neighborhood.

So again, it is with great pleasure that we voted unanimously to support the rezoning of 1626 Buchanan Street to build a New Construction of One Household Dwelling.

Thank you for your consideration,

MLK Jr. Board

Charice Williams – President/ Odell Jenkins- Vice President/ Vera Kemp- Secretary/Treasurer