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Date June 27, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM BOS INVESTMENTS, LLC (OWNER) AND PPDSM, LLC (OWNER) REGARDING PROPERTY IN THE VICINITY OF 6501 HICKMAN ROAD AND 2404 WESTOVER BOULEVARD TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM NEIGHBORHOOD MIXED USE TO COMMUNITY MIXED USE

WHEREAS, on June 13, 2022, by Roll Call No. 22-0883, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 19, 2022, its members voted 11-0 with one abstention in support of a motion to recommend **APPROVAL** of a request from BOS Investments, LLC (Owner) represented by Jim Sinclair (Officer) and PPDSM, LLC (Owner) represented by Adam Sieren (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Neighborhood Mixed Use to Community Mixed Use to allow development of the property with a density of up to 17 dwelling units per acre; and

WHEREAS, on June 13, 2022, by Roll Call No. 22-0883, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on June 27, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

2404 Westover BLVD – Legal Description

THE SOUTH 102 FEET OF THE EAST 142 FEET OF LOT 11 AND THE NORTH 48 FEET OF THE EAST 142 FEET OF LOT 12 IN WESTOVER, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 13788, PAGE 268

6501 Hickman Road – Legal Description

THE EAST 251.25 FEET OF THE WEST 822.25 FEET OF LOT 12 AND THE EAST 251.25 FEET OF THE WEST 822.25 FEET OF THE SOUTH 102 FEET OF LOT 11 IN WESTOVER, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED IN BOOK 4146 PAGE 139, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD; 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 the PlanDSM Comprehensive Future Land Use Plan; and

Date June 27, 2022

WHEREAS, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment, 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 amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for 6501 Hickman Road and 2404 Westover Boulevard are hereby received and filed, any and all objections to the proposed amendment are overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 6501 Hickman Road and 2404 Westover Boulevard to Community Mixed Use is hereby approved.

Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
 Gary D. Goudelock Jr.
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

MOTION CARRIED APPROVED

 Mayor

 Acting City Clerk



Date June 27, 2022

Agenda Item 58

Roll Call # _____

May 24, 2022

Communication from the City Plan and Zoning Commission advising that at their May 19, 2022 meeting, the following action was taken regarding a request from BOS Investments, LLC (owner), represented by Jim Sinclair (officer), and PPDSM, LLC (owner), represented by Adam Sieren (officer), regarding property in the vicinity of 6501 Hickman Road and 2404 Westover Boulevard to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use to allow development of the property with a density of up to 17 dwelling units per acre.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi			X	
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use.

Written Responses

0 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to amend the future land use designation to Community Mixed Use which would allow redevelopment of the site to a density up to 17 units per acre. A submitted conceptual sketch indicates the proposed development would consist of 3 row buildings with 7 units each and 2 row buildings with 5 units each (15 units per acre).

On April 18, 2022, the City Council rezoned the property at 2404 Westover Boulevard from “N3b” Neighborhood District to “RX1” Mixed-Use District. The applicant has since determined that their development as initially proposed would exceed the allowed density of the future land use designation of Neighborhood Mixed Use (up to 12 units per acre). The general concept of the development would remain as initially presented and the requested amendment would allow it to proceed as intended.

This land use amendment request would allow any future site plan for the subject properties for multiple-household dwellings to be found in conformance with PlanDSM: Creating Our Tomorrow comprehensive plan.

- 2. Size of Site:** 2.141 acres (93,271 square feet).
- 3. Existing Zoning (site):** “RX1” Mixed Use District.
- 4. Existing Land Use (site):** Undeveloped land and a one-household residence and garage.
- 5. Adjacent Land Use and Zoning:**
 - North** – “N3b” and Urbandale “PUD”; Uses are multiple-household residential and self-storage.
 - South** – Windsor Heights “CC” Community Commercial District; Uses are medical clinic, undeveloped parcel, and extended-stay rental units.
 - East** – “RX1”; Use is undeveloped land.
 - West** – “RX1” and Urbandale “PUD”; Use is self-storage.

6. **General Neighborhood/Area Land Uses:** The subject properties are located on the northwest corner of the intersection of Westover Boulevard with Hickman Road. The area consists of one-household residential, multiple-household residential, commercial, religious assembly, educational, medical, and vacant uses.
7. **Applicable Recognized Neighborhood(s):** The subject properties are located within the Merle Hay Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 29, 2022 and by mailing of the Final Agenda on May 13, 2022. The Merle Hay Neighborhood Association mailings were sent to April Wyss, 2800 62nd Street, Des Moines, IA 50322.
8. **Relevant Zoning History:** On April 18, 2022, by Ordinance No. 16,123, the City Council rezoned 2404 Westover Boulevard from “N3b” Neighborhood District to “RX1” Mixed-Use District, to allow development of a 5-unit townhome and revised the future land use designation from Low Density Residential to Neighborhood Mixed Use.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood Mixed Use.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend the future land use map within the City of Des Moines’ Comprehensive Land Use Plan. The recommendation of the Commission will be forwarded to the City Council.

In accordance with City Code Section 135-9.1.1, any future Site Plan for the property must be in accordance with the City’s Comprehensive Land Use Plan, including conformance with the density of use allowed per the City’s future land use map.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow:** The applicant is requesting that the future land use designation for the property be amended from “Neighborhood Mixed Use” to “Community Mixed Use.” Plan DSM describes these designations 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.

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.

The Neighborhood Mixed Use designation allows a low-medium residential density of up to 12 units per acre. The Community Mixed Use designation allows a medium residential density of up to 17 units per acre.

The subject properties are currently zoned "RX1" Mixed Use District. The Zoning Ordinance describes "RX1" District as "intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low scale neighborhoods."

Staff believes that the subject site would be an appropriate location for multiple-household development given the proximity to a high-capacity corridor, amenities, and existing multiple-household uses.

2. **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.
3. **Nature Features:** The subject properties contain a number of mature trees and scrub trees. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Utilities:** Stormwater sewer is located in Hickman Road and sanitary sewer is located in Westover Boulevard. A 12-inch water main is located in the southern side of Hickman Road and a 12-inch water main is located in the northern side of Hickman Road. A 4-inch water main is located in Westover Boulevard.
5. **Traffic/Street System:** The submitted site sketch indicates access for the 21 units in the western property would be through one access drive from Hickman Road. The access for the 10 units in the eastern property would be through one access drive from Westover Boulevard.
6. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the future land use amendment 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.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Abby Chungath made a motion for approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use.

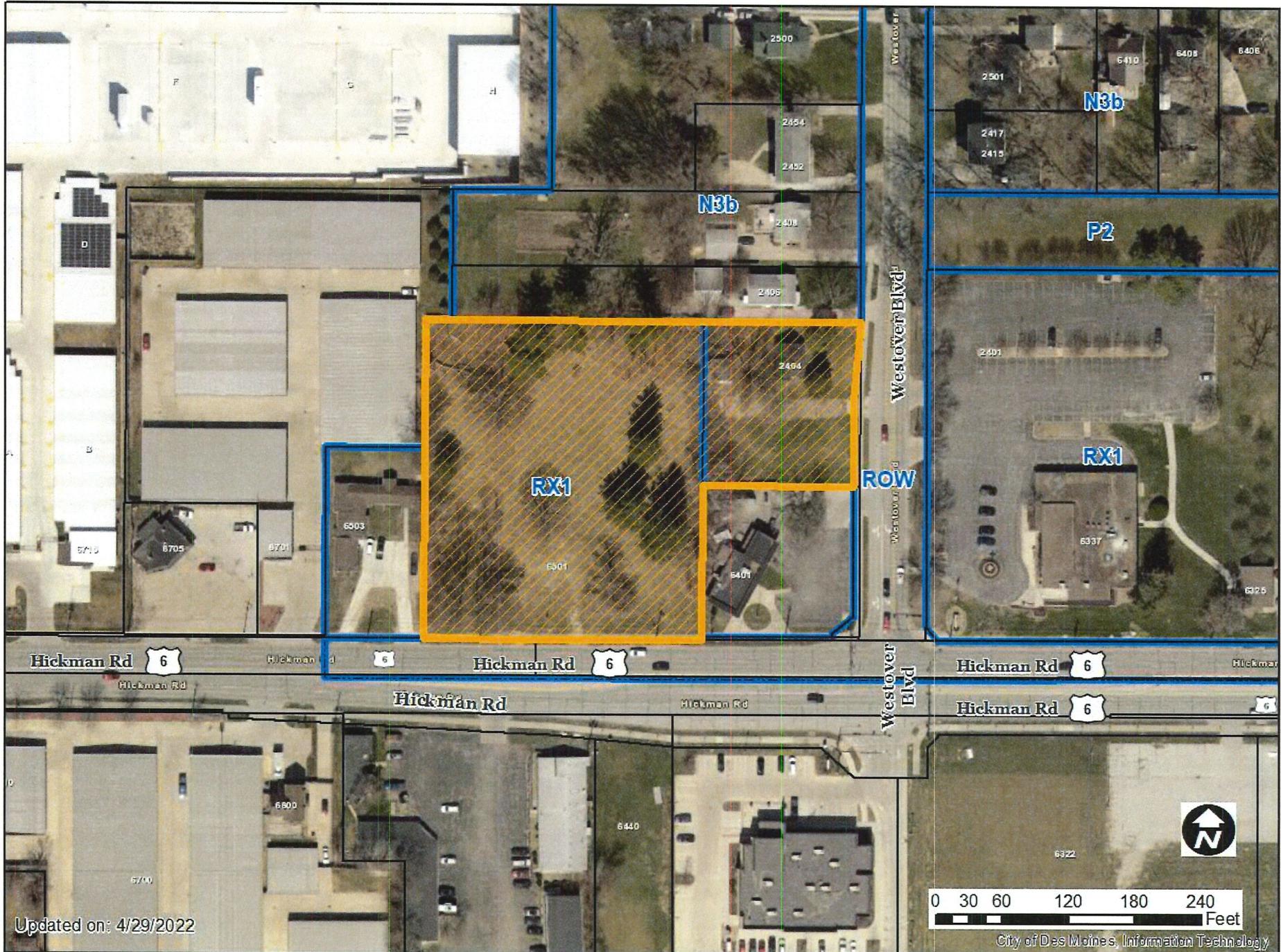
Motion passed: 11-0-1

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 4/29/2022

1 inch = 115 feet

May 17, 2022 10:41



May 17, 2022 10:41

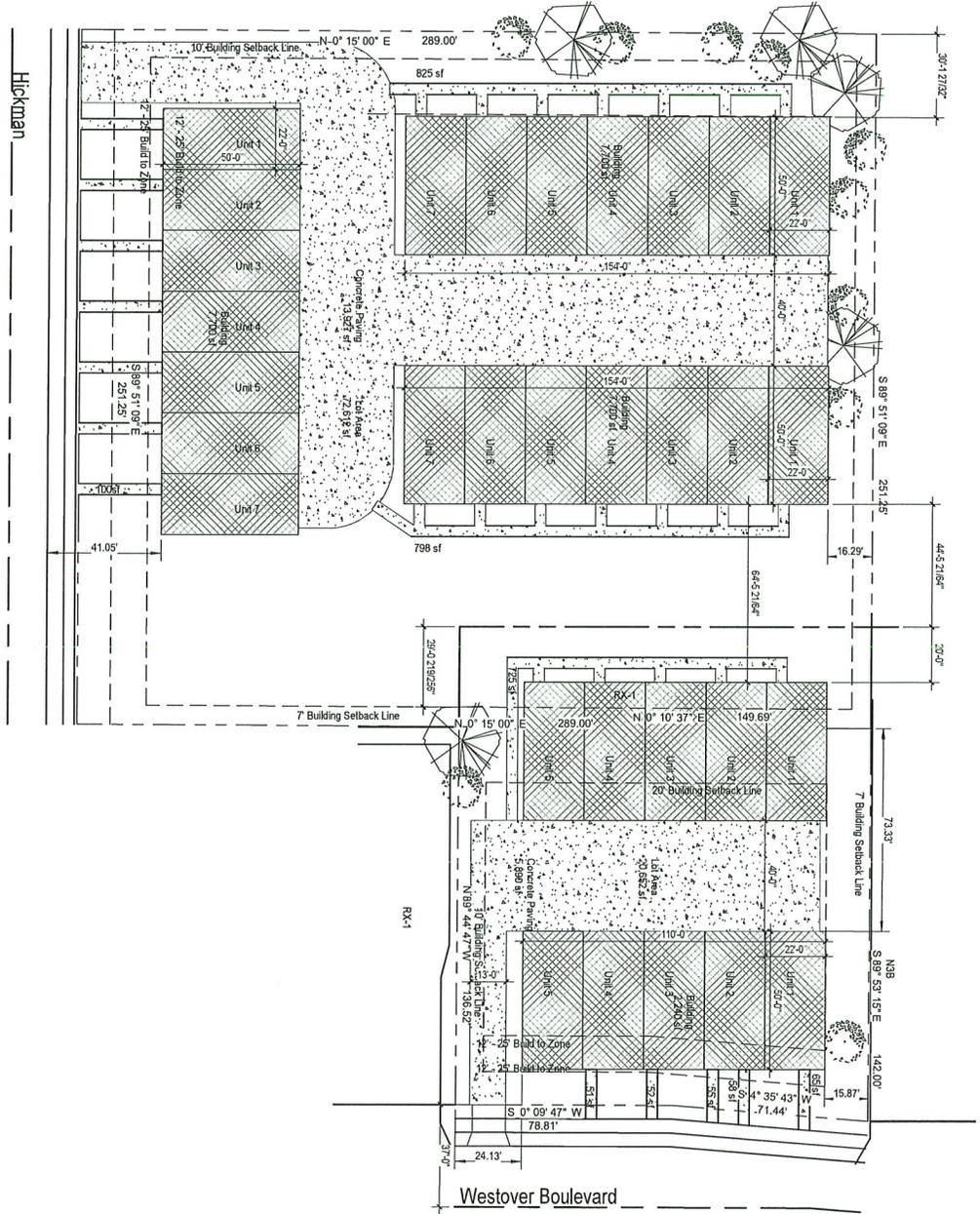


May 17, 2022 10:41



May 17, 2022 10:40





1
C101 Site Layout Copy 1
1" = 30'-0"

#	Date	Description

SHEET: **C101**
 TITLE: **Proposed Site Layout**
 PROJECT NUMBER: **2201C**
 DATE: **3/14/2022 5:48:01 PM**

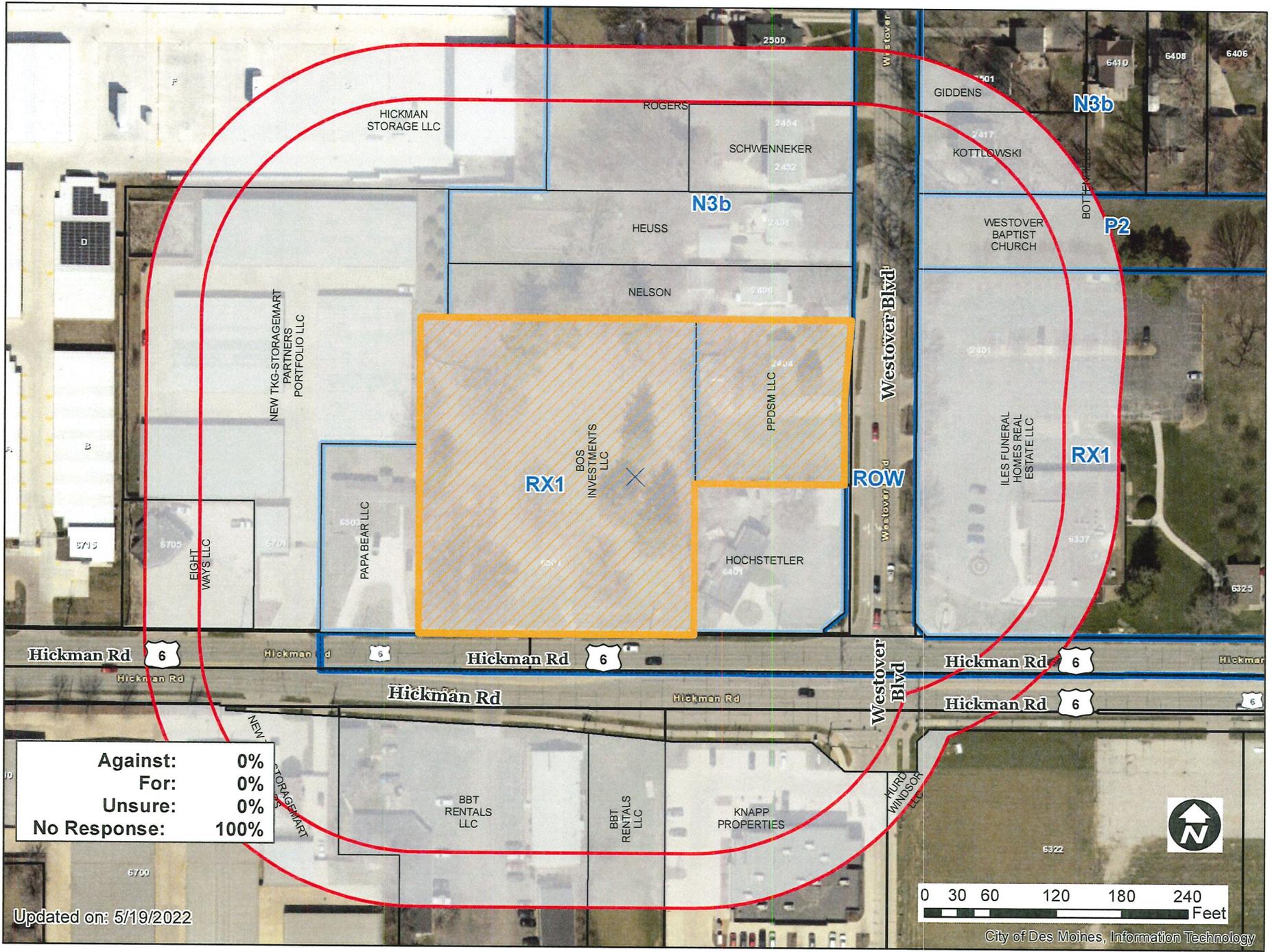
Premier Construction
 Proposed Site Layout
Not For Construction
 2404 Westover Boulevard | Des Moines, Iowa 50322

Creative Concepts Architecture, PLLC
 103 E Grimes Street | Polk City, Iowa 50226
 515.250.1358
 matt@creativeconceptarch.com



BOS Investments, LLC, 6502 Hickman Road & 2404 Westover Boulevard

ZONG-2022-000041



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

Updated on: 5/19/2022

1 inch = 115 feet

BOS Investments, LLC, 6502 Hickman Road & 2404 Westover Boulevard

ZONG-2022-000041



1 inch = 115 feet