



Date October 3, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 1348 E EUCLID AVE, LLC (OWNER) REPRESENTED BY BRAD LOWE (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 1331 EAST DOUGLAS AVENUE: TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “N3A” NEIGHBORHOOD DISTRICT TO LIMITED “RX2” MIXED USE DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from 1338 E. Euclid Ave, LLC, represented by Brad Lowe (Officer), to Amend PlanDSM Creating Our Tomorrow Plan to Revise the Future Land Use Classification from Low Density Residential to Community Mixed Use, to rezone the Property from “N3a” Neighborhood District to Limited “RX2” Mixed Use District , to allow the use of the property in common with the property immediately to the south, which is being converted from a motel use to a multiple-household use, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan subject to the following conditions:

1. There shall be no driveway to the Property from East Douglas Avenue.

WHEREAS, the Property is legally described as follows:

THE SOUTH 160.8 FEET OF LOTS 1, 2, 3 AND 4, AND THE WEST 11 FEET OF THE NORTH 145 FEET OF LOT 4, IN ELLEN PLACE, AN OFFICIAL PLAT IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. PARCEL #7924-26-227-011, 7924-26-227-012, 7924-26-227-013 AND 7924-26-227-014.
SUBJECT TO GENERAL TAXES PAYABLE IN FUTURE INSTALLMENTS, AND
SUBJECT TO EASEMENT FILED MARCH 7, 1989 IN BOOK 6067 AT PAGE 85 OF THE RECORDS OF POLK COUNTY, IOWA.

WHEREAS, on September 12, 2022, by Roll Call No. 22-1416, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 3, 2022, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



Roll Call Number

Agenda Item Number

62

Date October 3, 2022

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 and rezoning 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 Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3a" to Limited "RX2" Mixed Use District, to allow to allow the use of the property in common with the property immediately to the south, which is being converted from a motel use to a multiple-household use, subject to the following conditions, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein:
4. There shall be no driveway to the Property from East Douglas Avenue.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.

Assistant City Attorney

(ZONG-2022-000075)

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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



Date October 3, 2022
 Agenda Item 62
 Roll Call # _____

September 6, 2022

Communication from the City Plan and Zoning Commission advising that at their September 1, 2022 meeting, the following action was taken regarding a request from 1348 E Euclid Ave, LLC (owner), represented by Brad Lowe (officer) to rezone property located in the vicinity of 1331 East Douglas Avenue from "N3a" Neighborhood District to "RX2" Mixed Use District, to allow use of property in common with the property immediately to the south, which is being converted from a motel use to a multiple-household use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			

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

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Community Mixed Use.

Part C) Approval of the rezoning of the subject area as Limited "RX2" Mixed Use District subject to the condition that there shall be no driveway to the property from East Douglas Avenue.

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 Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of the rezoning of the subject area as “RX2” Mixed Use District subject to the condition that there shall be no driveway access to the Property from East Douglas Avenue.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would allow the subject properties, in common with the properties immediately to the south, to be redeveloped from a former motel use to a multiple-household residential use.
- 2. Size of Site:** 0.813 acres (35,406 square feet).
- 3. Existing Zoning (site):** “N3a” Neighborhood District.
- 4. Existing Land Use (site):** The subject area consists of undeveloped land.
- 5. Adjacent Land Use and Zoning:**
 - North** – “N3a”; Use is low density residential.
 - South** – “RX2”; Use is a former motel use.
 - East** – “MX3-V”; Use is retail sales.
 - West** – “MX3”; Use is retail sales.
- 6. General Neighborhood/Area Land Uses:** The subject area is located near the intersection of the U.S. Highway 6/East Euclid Avenue and the U.S. Highway 69/East 14th Street corridor. The subject area is located in the Highland Park Neighborhood, which is an area consisting of a mix of one-household residential, multiple-household residential, office, commercial, educational, and institutional uses.
- 7. Applicable Recognized Neighborhood(s):** The subject area is located within the Highland Park Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 1, 2022 and by mailing of the Final Agenda on July 15, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on July 1, 2022 (20 days prior to the public

hearing) and July 11, 2022 (10 days prior to the public hearing) to 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 Services Department on the date of the mailing. The Highland Park Neighborhood Association mailings were sent to Sherri Rosener, 106 Oak Park Avenue, Des Moines, IA 50313.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: On February 18, 2021, by Docket No. ZON2021-00010, the Plan and Zoning Commission recommended approval of a request to Rezone property from “MX3” Mixed Use District to “RX2” Mixed Use District, to allow the property to be redeveloped with ground floor Multiple Household Living use.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential within a Community Node.

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 area 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 requesting that the future land use designation for the property be revised from “Low Density Residential” to “Community Mixed Use.” PlanDSM describes these designations 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.

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.

Community Node

Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The subject parcel is currently zoned "N3a" District. The Zoning Ordinance describes this district as, "intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code."

The applicant is proposing to rezone the parcel to the "RX2" District. The Zoning Ordinance describes this district as, "intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1".

Staff believes the requested rezoning to "RX2" is appropriate given the proposed use in common with the southern properties, which are already zoned "RX2" District and the general location of the proposed project. Staff does believe that it is reasonably necessary to prohibit any driveway access to the Property from East Douglas Avenue.

- 2. Planning and Design Ordinance:** Any future construction or development of the site 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 any proposed additions or modifications.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Andrew Lorentzen asked how they will access the site if there is no driveway off Douglas Avenue.

Sreyoshi Chakraborty stated they will access the site from East Euclid through the balance of the site.

Chris Draper asked if the current structure will be reused or torn down.

Sreyoshi Chakraborty stated she will defer that questions to the applicant but believes they will reuse the existing motel building.

Abby Chungath asked what the setback requirement is from the proposed rezoning area to the residential properties on the north.

Jason Van Essen stated staff will find the exact numbers but there are standards within Chapter 135 pertaining to setbacks of commercial uses from residential properties.

Johnny Alcivar asked why a development plan wasn't provided with the potential rezoning.

Sreyoshi Chakraborty stated the proposed rezoning area would be phase 2 of this development and that concept has yet to be developed.

Leah Rudolphi asked if the proposed rezoned area would remain separate and could it be sold in the future.

Jason Van Essen stated if they were to build in that area, the parcels would need to be combined.

Johnny Alcivar asked if a condition needs to be included in the motion regarding the parcels being combined following the rezoning.

Jason Van Essen stated he would like to hear the presentation from the applicant before formulating any conditions.

Bob Gibson, Civil Design Advantage, 4121 NW Urbandale Drive stated the sliver of land out to Douglas Avenue is only 10 to 11 feet wide and would only be used for connecting storm sewer. The owner is still evaluating the use of the subject area but the existing building will more than likely be renovated and potentially added onto.

Will Page asked what they propose to do with the sliver of land running towards Douglas Avenue and how they will keep cars from using it.

Bob Gibson stated its currently not paved and there is no plan to pave it. If vehicle access is a concern, it could be gated off.

Will Page asked if they would agree to no commercial use on that strip on land.

Bob Gibson stated yes, the only thing it could be used for is an easement to allow connection to storm sewer on Douglas Avenue.

CHAIRPERSON OPEN THE PUBLIC HEARING

Alan Cole, 309 NE 7th Street stated he is the director of this Cash Saver store, and they are in full support of the project. There is a lot of illegal activity taking place on the area to be rezoned and would be happy to see some development there.

Sreyoshi Chakraborty stated the setback requirements asked about earlier for the proposal are a 25-foot setback and 10-foot landscape buffer.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Chris Draper made a motion for:

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

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Community Mixed Use.

Part C) Approval of the rezoning of the subject area as Limited "RX2" Mixed Use District subject to the condition that there shall be no driveway to the property from East Douglas Avenue.

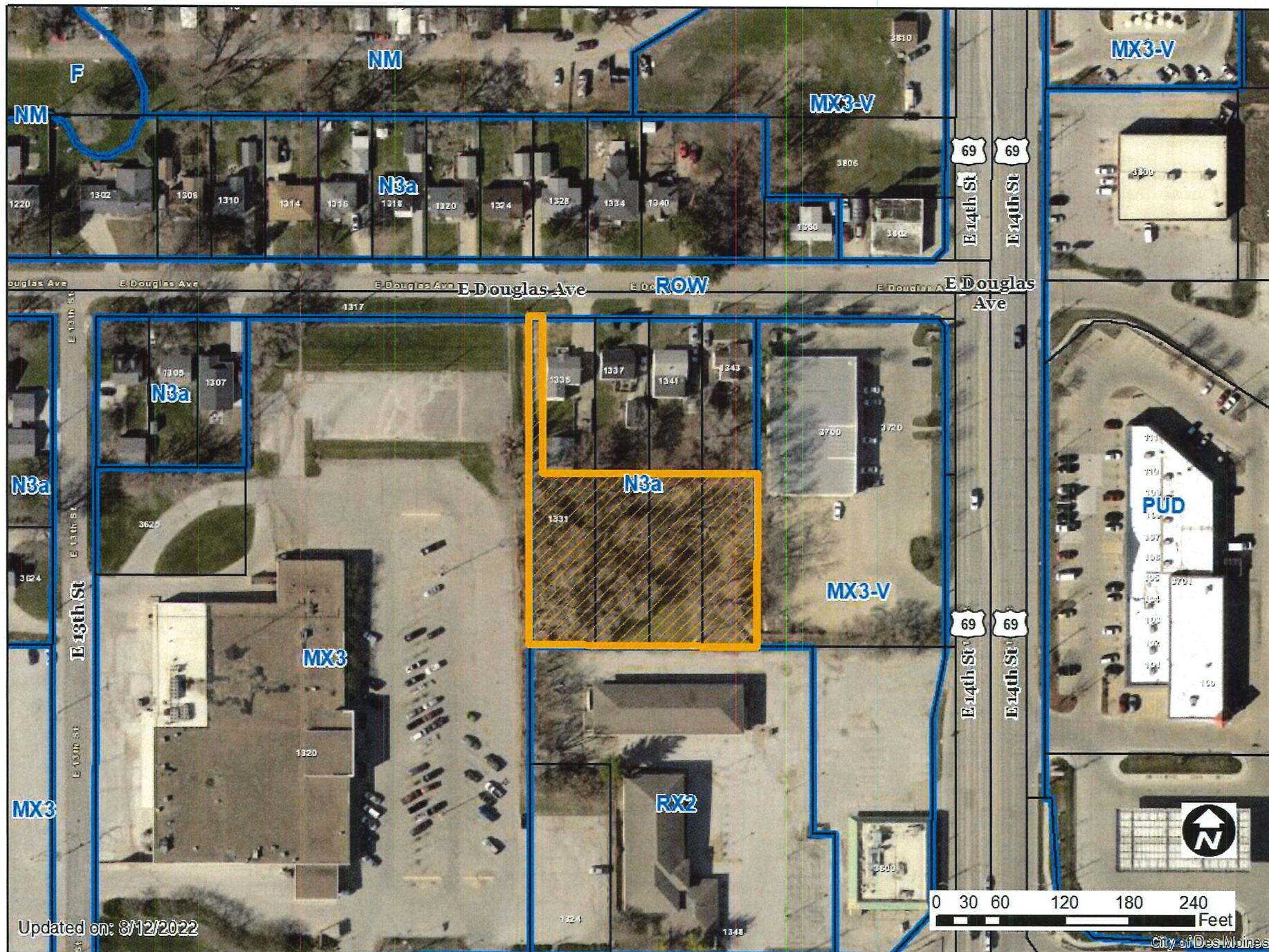
Motion passed: 13-0

Respectfully submitted,

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

Jason Van Essen, AICP
Planning & Urban Design Administrator

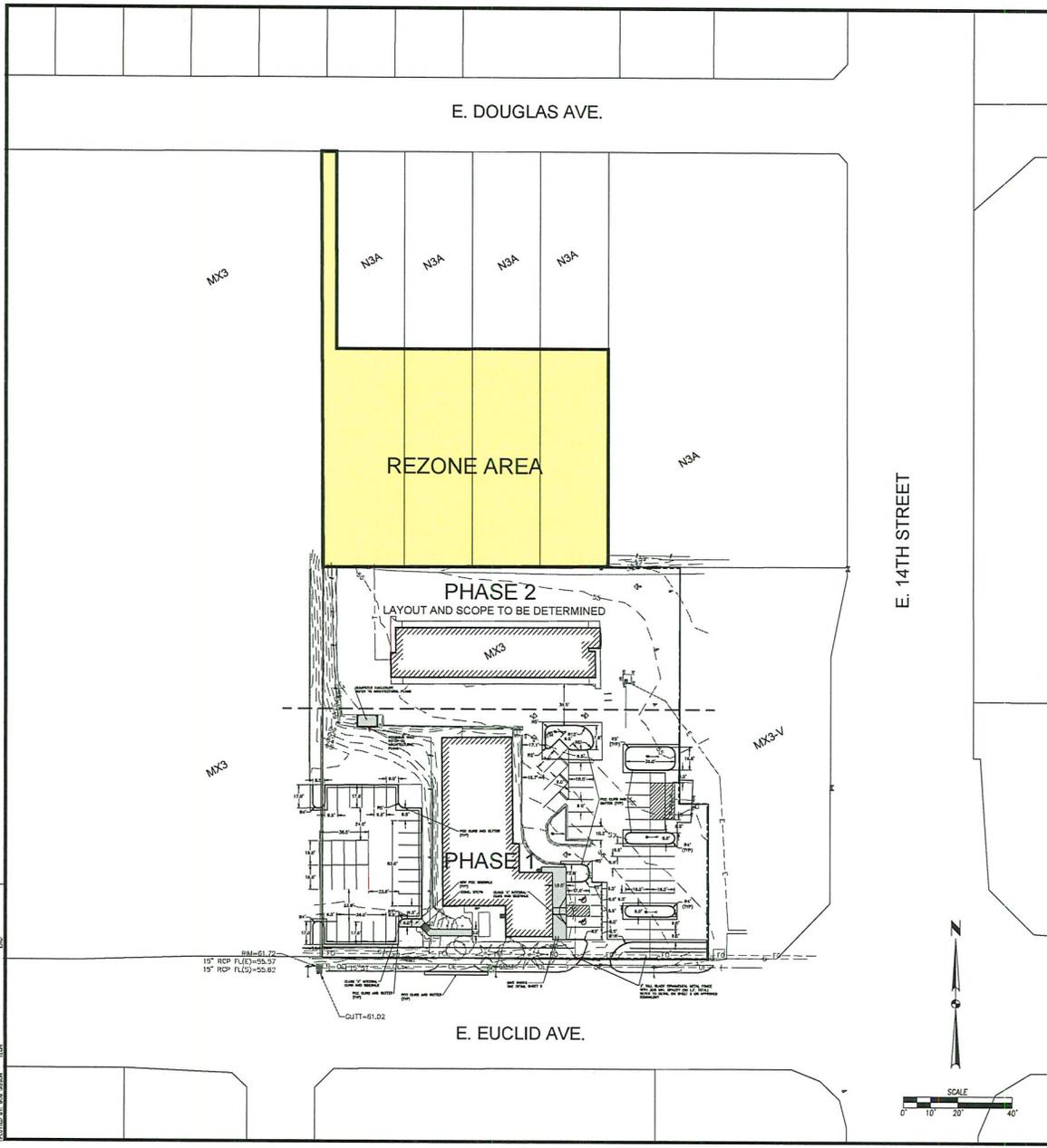
JMV:tjh



Updated on: 8/12/2022

1 inch = 118 feet

IFC IN A CITY OF DES MOINES, IOWA, THE REZONING COMMISSION SHALL REVIEW AND APPROVE THIS PLAN. THE CITY ENGINEER SHALL REVIEW AND APPROVE THIS PLAN.



GENERAL NOTES

1. THE CURRENT EDITION OF THE SDAS STANDARD SPECIFICATIONS AND ALL CITY SUPPLEMENTALS, IF APPLICABLE, SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
4. PRIOR TO ANY WORK AT THE SITE, CONTRACTOR SHALL EXAMINE ANY APPLICABLE DRAWINGS AVAILABLE FROM THE OWNER, ENGINEER, AND/OR ARCHITECT, AND CONSULT WITH OWNER'S PERSONNEL AND UTILITY COMPANY REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.
5. ALL CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE CITY'S STANDARDS. NO STEPS ARE ALLOWED IN SANITARY MANHOLES.
7. ALL DIMENSIONS ARE TO BACK OF CURB, BUILDING FACE OR PROPERTY LINE UNLESS OTHERWISE NOTED.
8. REMOVE ANY DEBRIS SPILLED INTO R.O.W. AT THE END OF EACH WORK DAY.
9. ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
10. DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT OF WAY.
11. THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR WILL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OF MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
12. THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
13. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
14. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK BETWEEN SUPPLIERS AND SUBCONTRACTORS INVOLVED IN THE PROJECT, INCLUDING STAGING OF CONSTRUCTION DETAILS.
15. ALL PERMITS AND ADDITIONAL FEES REQUIRED TO COMPLETE THE WORK SHALL BE INCLUDED IN THE CONTRACTOR BID.
16. ALL WORK WITHIN THE CITY RIGHT-OF-WAY REQUIRES A RIGHT-OF-WAY PERMIT.
17. A SIDEWALK PERMIT IS REQUIRED FOR THE CONSTRUCTION OF THE SIDEWALK ALONG HUBBELL AVENUE.

CITY OF DES MOINES STANDARD NOTES

1. ANY AMENDMENTS OR CHANGES TO THE PROJECT SITE THAT DO NOT MEET WHAT IS SHOWN ON THE SITE PLAN NEED TO BE APPROVED WITH THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INSTALLATION/CONSTRUCTION.
2. LIGHTING SHALL BE PEDESTRIAN IN SCALE HAVING POLES NO TALLER THAN 20 FEET WITH LOW-GLARE CUT OFF TYPE FIXTURES TO REDUCE THE GLARE OF LIGHT POLLUTION ON SURROUNDING PROPERTIES.
3. THE REQUIRED LANDSCAPING, BOTH EXISTING AND PROPOSED, SHALL BE MAINTAINED FOR THE LIFE OF THE CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF ZONING COMPLIANCE.
4. NO MECHANICAL OR UTILITY EQUIPMENT OVER 3' IN HEIGHT SHALL BE ALLOWED IN ANY MINIMUM REQUIRED FRONT YARD SETBACK AREA.
5. ALL ROOFTOP MECHANICAL EQUIPMENT WILL BE SCREENED FROM STREET LEVEL VIEW OR FROM RESIDENTIALLY ZONED PROPERTY.
6. ALL DISTURBED AREAS SHALL BE RESTORED BY SEEDING OR SOODING.
7. THIS SITE SHALL BE MAINTAINED IN COMPLIANCE WITH ALL CITY CODES APPLICABLE ON THE DATE OF SITE PLAN APPROVAL.
8. ANY GROUND-MOUNTED OR WALL-MOUNTED UTILITIES AND METERS SHALL BE SCREENED AND NOT VISIBLE FROM A PUBLIC STREET.
9. ANY WALL-MOUNTED UTILITIES SHALL BE SCREENED ON ALL SIDES AND FINISHED TO MATCH BUILDING.
10. ALL UTILITIES SHALL BE UNDERGROUND.
11. SIGNAGE SHALL BE MONUMENT OR DIRECTORY BUT IN NO CASE SHALL BE POLE SIGNAGE.

E. 14TH STREET



DATE		REVISIONS		PREPARED		ENGINEER	
3405 S.E. CROSSROADS DRIVE, SUITE G GRIMES, IOWA 50111 PHONE: (515) 369-4400 FAX: (515) 369-4410							
LOWE APARTMENTS REZONING EXHIBIT							
DES MOINES, IOWA							
3 / 6 2103.225							

62

Aug 31, 2022 10:27



Aug 31, 2022 10:28



Aug 31, 2022 10:28



62



CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,
PLANNERS & SURVEYORS

August 17, 2022

RE: Vacant Lots Behind 1348 E. Euclid Avenue, Des Moines

Dear Neighbor:

The owner of the property located at 1348 E. Euclid Avenue is requesting a change in zoning designation of the vacant lots at the north end of the property from N3A to MX3 to allow renovation and improvements to the existing hotel building. This request will be presented before the Des Moines Planning and Zoning Commission on September 1, 2022 at 6:00 PM.

The rezoning process requires that an opportunity for neighborhood input be provided. This can be done with an in-person public meeting or virtual meeting. We have set up a Zoom meeting for Thursday, August 25 at 6:30. The link is below:

Join Zoom Meeting

https://us04web.zoom.us/j/75944252033?pwd=sE4Szt3U_XWoBluquF9xqyWmsbKgko.1

Meeting ID: 759 4425 2033

Passcode: 2vb0kF

Attached please find a document showing the area for which the rezoning is requested.

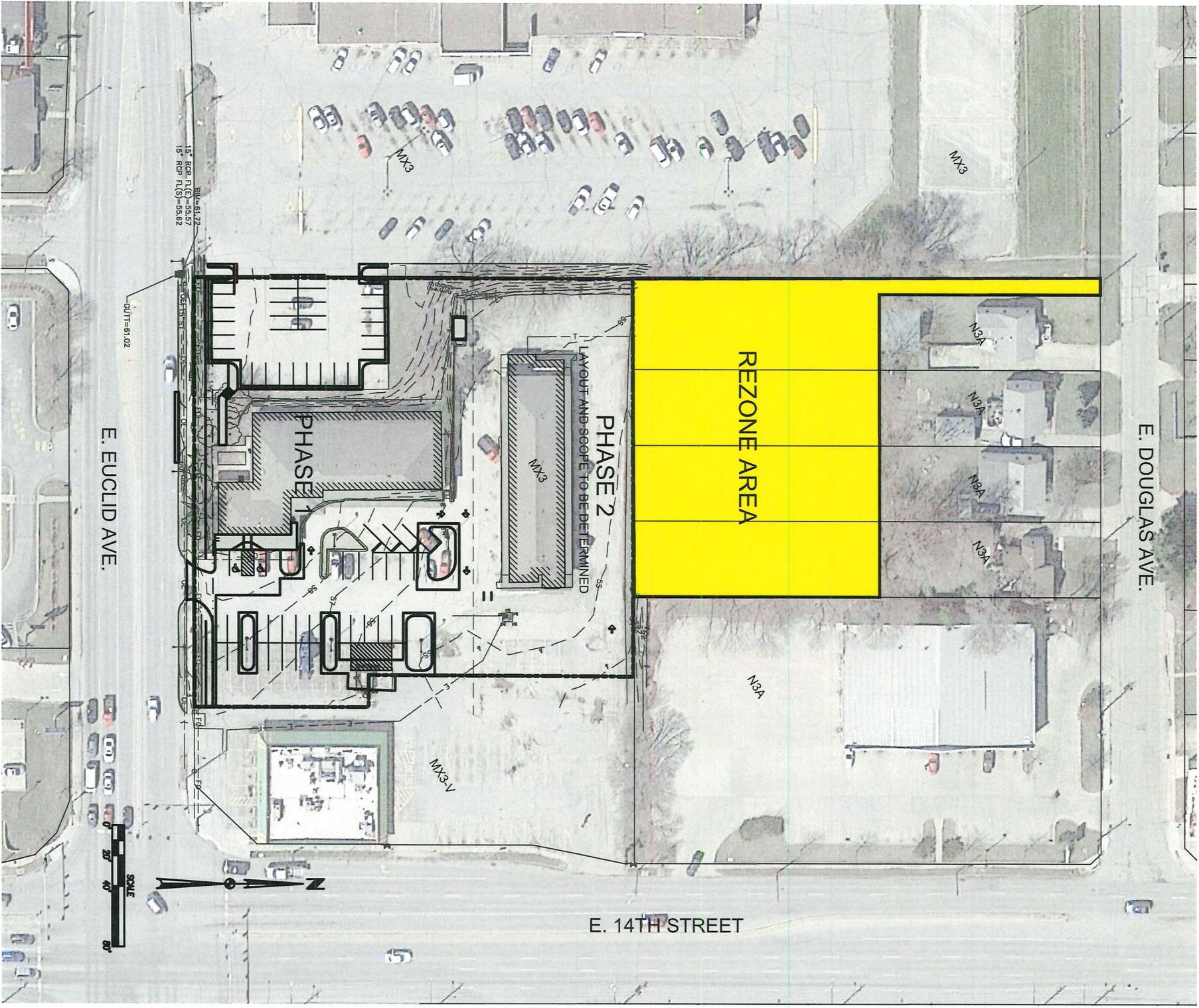
If you have any questions, please feel free to call me at 515-369-4400.

If you would like, email me at BobG@cda-eng.com and I will send you the link for the meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bob Gibson', with a long horizontal flourish extending to the right.

Bob Gibson, Project Manager, Civil Design Advantage



E. DOUGLAS AVE.

REZONE AREA

PHASE 2
LAYOUT AND SCOPE TO BE DETERMINED

PHASE 1

E. EUCLID AVE.

E. 14TH STREET

RM-61.72
1st RCP R(C) = 55.57
1st RCP R(S) = 55.62

GUTT=61.02



102

Dostart, Katherine E.

From: Bob Gibson <BobG@cda-eng.com>
Sent: Monday, August 29, 2022 8:32 AM
To: Hall, Tyler J.; brad@spirepropertymgmt.com
Cc: Dostart, Katherine E.; Nathan Stewart
Subject: RE: ZONG-2022-000075 & ZONG-2022-000079 - 1324 E Euclid Avenue, LLC
Attachments: Neighborhood Letter.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tyler & Katherine:

Attached is the letter we sent out to the neighbors regarding the rezoning. We held the meeting on Thursday August 25 at 6:30. We stayed on until around 7:00 PM and had no participants.

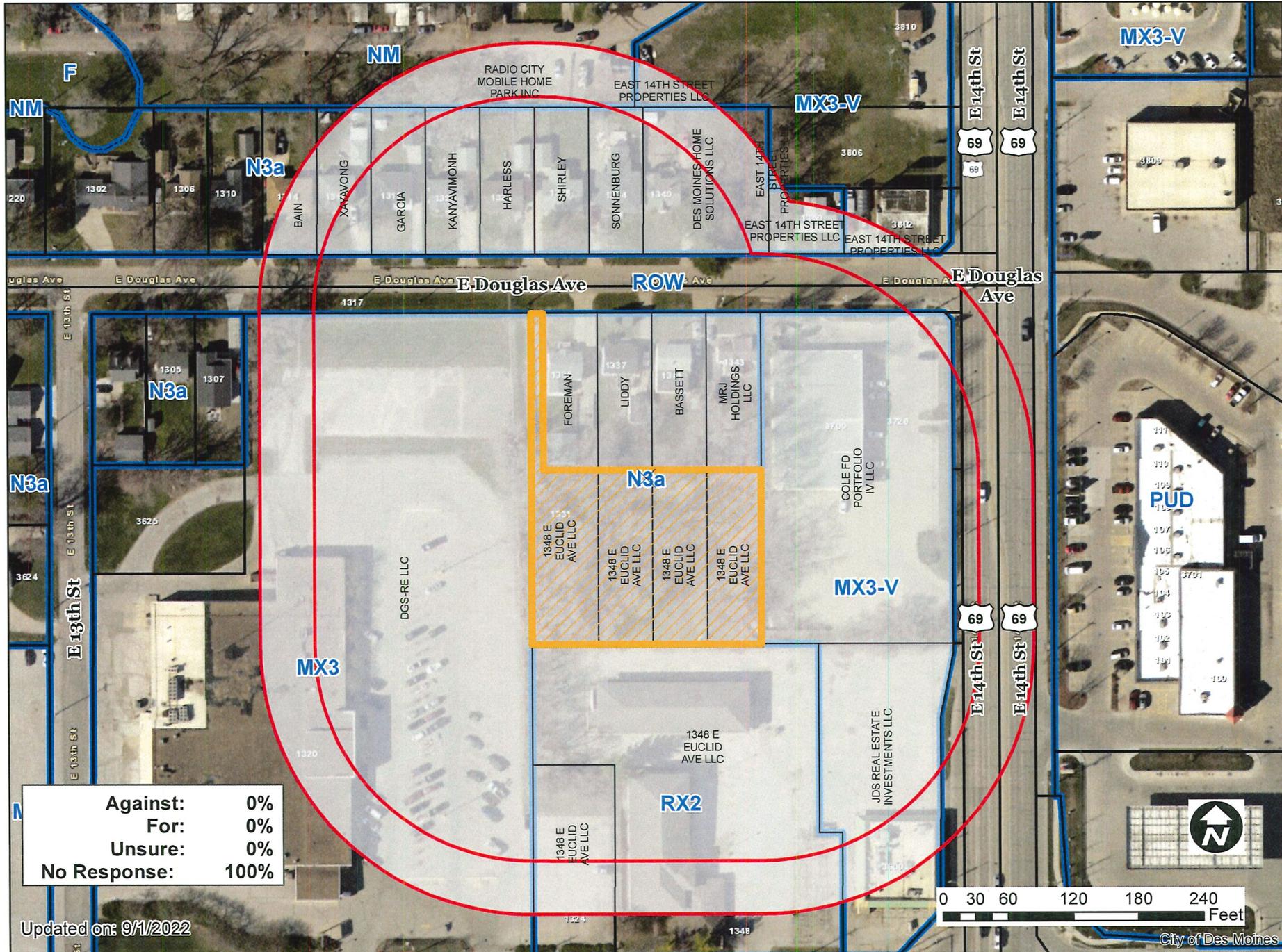
From: Hall, Tyler J. <TJHall@dmgov.org>
Sent: Friday, August 26, 2022 10:43 AM
To: Bob Gibson <BobG@cda-eng.com>; brad@spirepropertymgmt.com
Cc: Dostart, Katherine E. <kedostart@dmgov.org>
Subject: ZONG-2022-000075 & ZONG-2022-000079 - 1324 E Euclid Avenue, LLC

Good Morning,
Please find the attached documents as it relates to your item on the September 1, 2022 Plan and Zoning Commission agenda.

Thank you,

TYLER HALL | CITY OF DES MOINES
CSR | Development Services
(515) 237-1301
DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309





Updated on: 9/1/2022

1 inch = 118 feet

102

1348 East Euclid Avenue LLC, 1331 East Douglas Avenue

ZONG-2022-000075

