



Roll Call Number

Agenda Item Number

49

Date March 6, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM URBAN DREAMS (OWNER), REPRESENTED BY IZAAH KNOX, TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1615 2ND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 2, 2023 its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Urban Dreams (Owner), represented by Izaah Knox, for the proposed rezoning from “I1” Industrial” District to “MX3” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 2, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Urban Dreams, represented by Izaah Knox, to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Industrial to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 2, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Urban Dreams, represented by Izaah Knox, to rezone the Property from “I1” Industrial District to “MX3” Mixed Use District to allow renovation and reuse of the existing building for “Office” and “Assembly Space” uses; and

WHEREAS, the Property is legally described as follows:

LOTS 11, 12, 13, 17 AND A PORTION OF LOTS 16 AND 15 ALL IN ROLLINSON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.W. CORNER OF SAID LOT 11; THENCE NORTH ALONG THE WEST LINE OF SAID LOTS 11, 12, 13, 17 AND 16, 225.0 FEET TO A POINT THAT IS 100.0 FEET SOUTH OF THE N. W. CORNER OF SAID LOT 16; THENCE EAST PARALLEL WITH AND 100.0 FEET SOUTH OF THE NORTH LINE OF SAID LOT 16 AND PARALLEL WITH AND 100.0 FEET SOUTH OF THE NORTH LINE OF LOTS 14 AND 15 IN SAID ROLLINSON PLACE, 144.0 FEET TO A POINT ON THE NORTH EXTENSION OF THE WEST LINE OF LOT 7 IN SAID ROLLINSON PLACE; THENCE SOUTH ALONG THE NORTH EXTENSION OF THE WEST LINE OF SAID LOT 7, 167.0 FEET TO THE N.W. CORNER OF SAID LOT 7, SAID POINT BEING ON THE SOUTHWESTERLY LINE OF SAID LOT 16; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 16, 22.85 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12, SAID POINT BEING 26.0 FEET NORTH OF THE S.E. CORNER OF SAID LOT 12; THENCE SOUTH ALONG THE EAST LINE OF SAID LOTS



Roll Call Number

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49

Date March 6, 2023

12 AND 11, 76.0 FEET TO THE S.E. CORNER OF SAID LOT 11; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 11, 130.0 FEET TO THE POINT OF BEGINNING; and

WHEREAS, on February 20, 2023, by Roll Call No. 23-0222, 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 March 6, 2023, 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.

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 Industrial to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "I1" Industrial District to "MX3" Mixed Use District to allow renovation and reuse of the existing building for "Office" and "Assembly Space" uses, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



Roll Call Number

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49

Date March 6, 2023

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2022-000102) (COMP-2023-000001)

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 March 6, 2023

Agenda Item 49

Roll Call # _____

February 14, 2023

Communication from the City Plan and Zoning Commission advising that at their February 2, 2023 meeting, the following action was taken regarding a request from Urban Dreams (owner), represented by Izaah Knox (officer) to rezone property located at 1615 2nd Avenue from "I1" Industrial District to "MX3" Mixed Use District, to allow renovation and reuse of the existing building for "Office" and "Assembly Space" uses.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows.

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	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			
Katie Gillette	X			

APPROVAL of Part A) The requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Industrial.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Industrial to Community Mixed-Use.

Part C) Approval of the proposed rezoning of the subject property from "I1" Industrial District to "MX3" Mixed-Use District.

Written Responses

1 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 PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Industrial.

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

Part C) Staff recommends approval of the proposed rezoning of the subject property from "I1" Industrial District to "MX3" Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing interior building renovations and change of use to allow office space, retail, and assembly allowing classes and potential meeting space for the Urban Dreams organization. The proposed uses do not conform to what is allowed in the "I1" zoning district.
2. **Size of Site:** 31,581 square feet (0.73 acre).
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** Office and retail use.
5. **Adjacent Land Use and Zoning:**
 - North** – "I1"; Uses include retail, warehouse, and office space.
 - South** – "I1"; Use is a fenced parking lot.
 - East** – "I1"; Uses include warehouse, office, and outdoor storage.
 - West** – "I1"; Uses are retail, warehouse, and office.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a predominantly light industrial area along the 2nd Avenue corridor, just north of the intersection with College Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the River Bend Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on January 13, 2023 and by emailing of the Final Agenda on January 27, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on January 13, 2023 (20 days prior to the public hearing) and January 23, 2023 (10 days prior to the public hearing) to the

River Bend Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All 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 River Bend Neighborhood Association mailings were sent to Kathy Hellstern, 803 Hickman Road, Des Moines, IA 50314.

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

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Industrial.

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 currently zoned "I1" Industrial District. The Zoning Ordinance describes this district as, "intended for general industrial uses, warehousing, and transportation terminals."

The applicant is requesting to rezone the subject property to "MX3" Mixed-Use District in order to allow uses including office and assembly space. The Zoning Ordinance describes the "MX3" District as, "intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale."

The proposed rezoning requires that the future land use designation for the property be amended from "Industrial" to "Community Mixed Use." PlanDSM describes these designations as follows:

Industrial: Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

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.

Staff believes that the proposed Community Mixed Use future land use designation and the 'MX3' District are appropriate for this site. It would provide additional flexibility in building types and uses and would complement the uses that are appropriate along a high-capacity corridor, such as 2nd Avenue.

2. **Building Code Requirements:** Reuse of the building for an assembly use may require installation of an automatic sprinkler system in accordance with chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46. This building would be required to be provided with sanitary toilet facilities in accordance with the fixture count requirements of the State of Iowa Plumbing Code. Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code. These codes require accessible parking, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building.
3. **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 any proposed additions or modifications.
4. **Traffic and Transportation:** Coordination with the City's Second Avenue capital improvement project will be required to determine any potential impacts to any future require site plan and site improvements.
5. **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

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

COMMISSION ACTION:

Chris Draper made a motion for:

Part A) The requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Industrial.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Industrial to Community Mixed-Use.

Part C) Approval of the proposed rezoning of the subject property from "I1" Industrial District to "MX3" Mixed-Use District.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 1/12/2023

1 inch = 104 feet

49



491



49



491



2/9

49!

Chakraborty, Sreyoshi

From: Shane Devick <devick@ceclac.com>
Sent: Wednesday, January 18, 2023 8:13 AM
To: Chakraborty, Sreyoshi
Subject: RE: 1615 2nd Avenue
Attachments: Neighborhood Mtg docs.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.

Hello Sreyoshi,
We held our neighborhood meeting last night. One person attended to show support.
Attached is documentation.

Could you please summarize my meeting schedule?
Feb 2 is P&Z

I will probably request to waive the second and third hearing.

Thanks!
Shane J. Devick, P.E.
Partner
CIVIL ENGINEERING CONSULTANTS, INC.
2400 86th St. Suite 12
Urbandale, IA 50322
Phone: 515-276-4884 Ext. 222
Email: devick@ceclac.com
Web: www.ceclac.com



Civil Engineering Consultants, Inc.

From: Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Sent: Tuesday, January 10, 2023 4:46 PM
To: Shane Devick <devick@ceclac.com>
Subject: RE: 1615 2nd Avenue

Okay, sounds good. Thanks for letting me know.

Also, if you have any additional info on the project and any internal design details please let me know so we can incorporate in our report to the Commissioners. Thanks!

491.



Civil Engineering Consultants, Inc.

1-17-23

2400 86th Street, Unit 12 Des Moines, Iowa 50322 515.276.4884 mail@ceclac.com

1615 ~~2nd~~ Ave Neighborhood acty

Attendees :

Kathy Hellstern - River Bend Neighbord Assn.
803 Hickman Rd.



Civil Engineering Consultants, Inc.

1-10-2023

RE: NEIGHBORHOOD MEETING: REZONING OF PROPERTY AT 1615 2ND AVENUE

Hello Neighbor,

We are requesting a rezoning of the property located at 1615 2nd Avenue. The present zoning is I1: Industrial District. The proposed new zoning is MX3: Mixed uses in corridors and nodes.

The Urban Dreams organization would like to rezone this property so it may be used for office and assembly space.

There will be a neighborhood meeting held on Tuesday, January 17 at 6:00 pm. The meeting will be located at 1615 2nd Avenue.

I will be present at this meeting to answer any questions or concerns you may have.

Also, feel free to call me if you prefer.

Sincerely,

CIVIL ENGINEERING CONSULTANTS, INC.

Shane J. Devick, P.E.

ZONG-2022-000102

Item:

Date:

1-29-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 FEB 01 2023

Titleholder Signature:

Kathy Hellstem

Name/Business:

River Bend Neighborhood Assn.

Impacted Address:

50314 River Bend

Comments:

Urban Dreams has always been a great neighbor committed to the people of 50314. We are excited to see them expanding their capabilities and approve of mx-3 use of their new space.

ZONG-2022-000102

Item:

2022-000102

Date:

26 Jan 23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 FEB 01 2023

Titleholder Signature:

Mark C Dagg

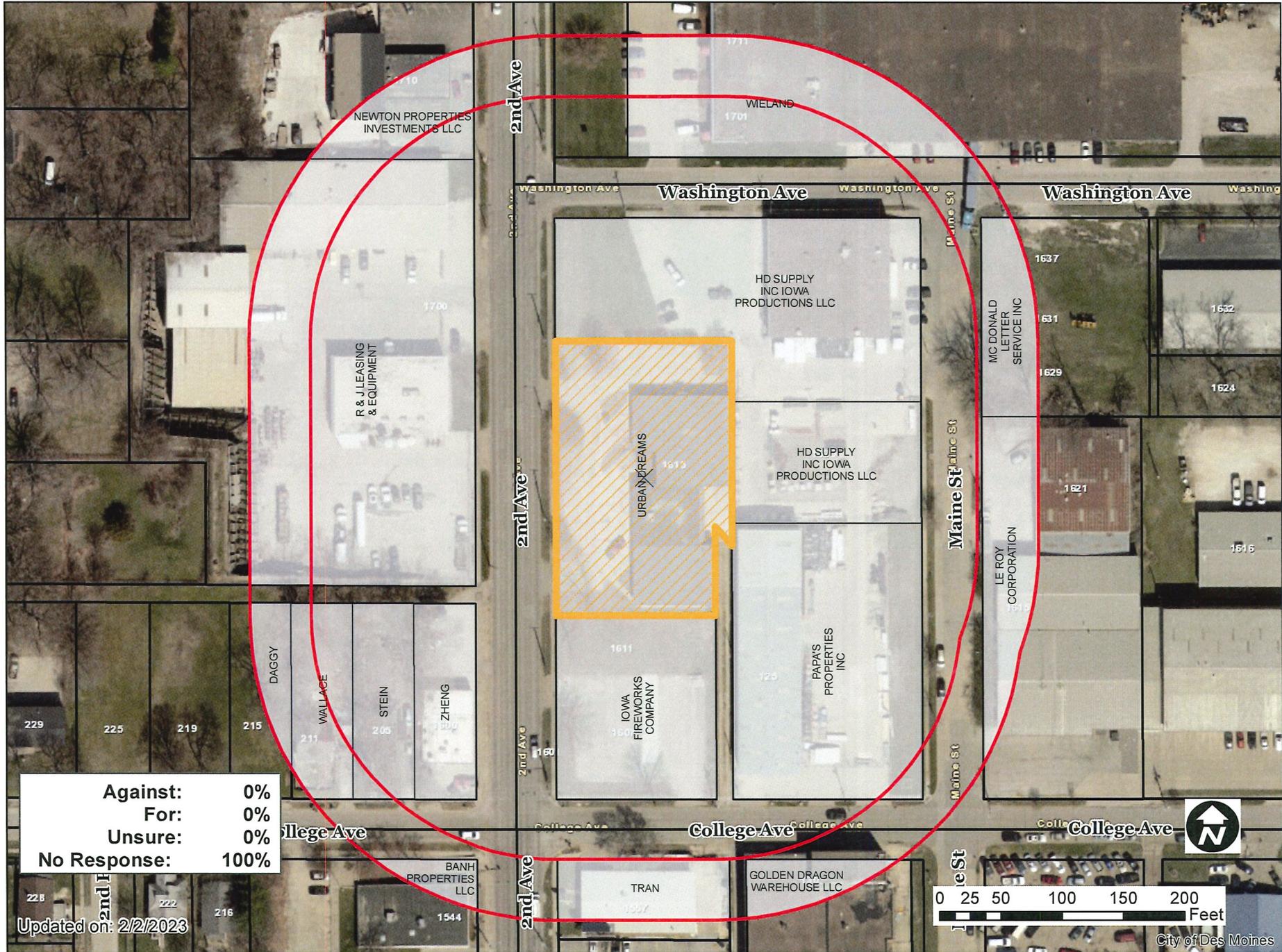
Name/Business:

MacDonald Letter Service

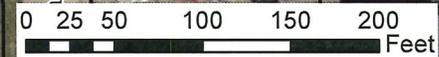
Impacted Address:

1629 Maine & 1632 Ohio St.
1624 Ohio St.

Comments:



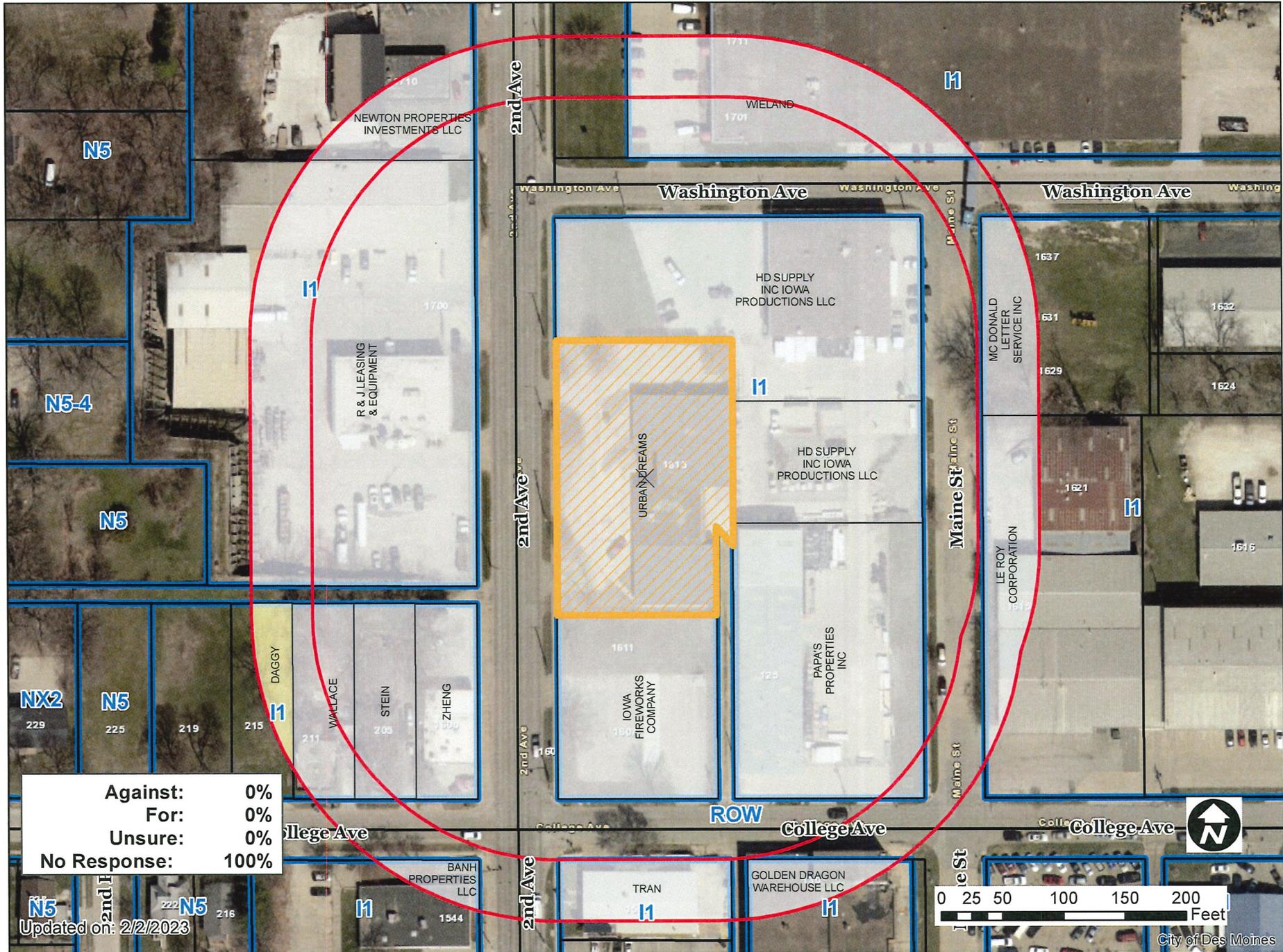
Updated on: 2/2/2023



City of Des Moines

1 inch = 104 feet

49



Handwritten signature

