



Date April 10, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PARK INDY, LLC (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 3140 INDIANOLA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion finding the requested rezoning from “NM” Neighborhood District to “NX2” Neighborhood Mix District for Property located in the vicinity of 3140 Indianola Avenue be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Park Indy, LLC (Owner) represented by Abbey Gilroy (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within Neighborhood Node to Community Mixed Use within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 2, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Park Indy, LLC (Owner) represented by Abbey Gilroy (Officer), to rezone the Property from “NM” Neighborhood District to “NX2” Neighborhood Mix District, to allow for redevelopment of the property with multiple-household residential units; and

WHEREAS, the Property is legally described as follows:

LOT 54 IN OAK HILL, AN OFFICIAL PLAT, EXCEPT THE NORTH 95 FEET AND EXCEPT THE SOUTH 25 FEET; AND EXCEPT THAT PART OF SAID LOT 54 IN OAK HILL, LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTHEAST CORNER OF SAID LOT 54 WHERE THE NORTHERLY LINE OF PARK AVENUE INTERSECTS THE WESTERLY LINE OF INDIANOLA AVENUE, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 54, 180.4 FEET, THENCE NORTH 23°30' EAST 75 FEET, THENCE NORTH 58°26' EAST 82.6 FEET, THENCE SOUTH 35°35' EAST ALONG THE EASTERLY LINE OF SAID LOT 54 AND THE WESTERLY LINE OF INDIANOLA AVENUE 137.7 FEET TO THE PLACE OF BEGINNING, AND EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY QUIT CLAIM DEEDS FILED FEBRUARY 10, 1984 AND RECORDED IN BOOK 5324 AT PAGES 709, 711 AND 713.

AND



.....
Date April 10, 2023

THE EAST 10 FEET OF THE SOUTH 30 FEET OF LOT 54 AND THE EAST 10 FEET OF LOTS 64, 65, 66, 67, 68 AND 76 IN BLOCK "B" JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on March 27, 2023, by Roll Call No. 23-0394, 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 April 10, 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 Low Density Residential within Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "NM" Neighborhood District to "NX2" Neighborhood Mix District, to allow redevelopment of the property with multiple-household residential units, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



Roll Call Number

Agenda Item Number

57

Date April 10, 2023

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000011) (COMP-2023-000007)

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

March 21, 2023

Communication from the City Plan and Zoning Commission advising that at their March 2, 2023 meeting, the following action was taken regarding a request from Park Indy, LLC (owner), represented by Abbey Gilroy (officer), to rezone the property located in the vicinity of 3140 Indianola Avenue from “NM” Neighborhood District to “NX2” Neighborhood Mix District, to allow the development of the property with new multiple-household residential units.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	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 “NX2” District 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 Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from “NM” Neighborhood District to “NX2” Mixed-Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “NX2” District 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 Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “NM” Neighborhood District to “NX2” Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “NX2” District, which would allow development of the site with new multi-family housing. The conceptual plan for the project indicates forty (40) dwelling units located within five separate 2-story buildings.

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

2. **Size of Site:** 1.96 acres (85,176.2 square feet).
3. **Existing Zoning (site):** “NM” Neighborhood District.
4. **Existing Land Use (site):** The site is currently a vacant lot. It previously contained a mobile home park.
5. **Adjacent Land Use and Zoning:**

North – “N3b”; Uses are single-household residential.

South – “RX1”; Use is a laundromat.

East – “RX1”; Uses are a funeral home with a large parking lot.

West – “RX1”; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located just northwest off the intersection of Indianola Avenue and East Park Avenue. The surrounding area includes a mix of commercial, as well as higher density residential to the east and low density residential to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Indianola Hills Neighborhood Association and within 250 feet of South Central DSM Neighborhood Association. All neighborhood associations were notified of the March 2, 2023, public hearing by emailing of the Preliminary Agenda on February 10, 2023, and

the Final Agenda on February 24, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2023 (20 days prior to the public hearing) and February 20, 2023 (10 days prior to the public hearing) to the Indianola Hills Neighborhood Association and South Central DSM 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 Development Division on the date of the mailing. The Indianola Hills Neighborhood mailings were sent to Molly Hanson, 1953 Courtland Drive, Des Moines, IA 50315. The South Central DSM Neighborhood mailings were sent to Webster Kranto, 310 East Emma Avenue, Des Moines, IA 50315.

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

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential within a Neighborhood 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 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 requesting that the future land use designation of the property be amended from “Low Density Residential” within a “Neighborhood Node” to “Community Mixed Use” within a “Neighborhood Node”. Plan DSM 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.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding

neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The subject parcel is currently zoned “NM” District. The Zoning Ordinance describes this district as, “intended to accommodate mobile home parks in specific locations within the city.”

The applicant is proposing to rezone the parcel to the “NX2” District. The Zoning Ordinance describes this district as, “intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.”

Staff believes the proposed amendment to the comprehensive plan is appropriate, as the subject property is located just off two major transportation corridors with access to a mix of amenities. High density residential uses are appropriate in such areas with mixed use development within a neighborhood node and serves as opportunities for infill housing and other similar scale uses.

The proposed Community Mixed Use designation within a Neighborhood Node would allow a minimum density over 17 dwelling units per net acre. Therefore, the 1.96-acres subject property would be allowed to have forty (40) dwelling units as proposed.

- 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 property contains 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:** Public storm sewer is available near the corner of East Park Avenue and Indianola Avenue. Water is available along both street frontages. Public sanitary sewer dead ends near the northeast corner of the property on Indianola Avenue.
- 5. Urban Design:** If rezoned to “NX2” District, any multiple-household residential use would need to be constructed in accordance with either the Flat Building, Row Building, or House D building type. The conceptual sketch submitted with the application indicates that the applicant is proposing three (3) buildings with six (6) two bedroom row homes each. Also proposed are another two (2) buildings with ten (10) and twelve (12) dwelling units respectively with a mix of one and two bedroom units. Each building is conceptually designed to be 2 stories in height.

Staff believes that the subject site would be an appropriate location for such a development given its location along the Indianola Avenue corridor and the neighborhood node, as well as proximity to amenities.

- 6. Traffic/Street System:** The submitted site concept indicates forty (40) multiple-household residential units situated off a common drive with one access located on East Park Avenue. The subject site is located on Indianola Avenue which is currently served

by a DART bus line. There are two bus stops located within 250 feet to the north and south of the subject site in the right-of-way along Indianola Avenue. Staff notes that a minimum 5-foot-wide sidewalk along all street frontages of the subject property is required.

The City's Traffic and Transportation Division has indicated that the proposed development will not necessitate any improvements to the surrounding public street. Driveway approaches or portions of the approach that are no longer used are to be removed with the curb and area in the street right-of-way restored. A traffic study was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

7. 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.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Emily Webb made a motion for:

Part A) The requested "NX2" District 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 Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from "NM" Neighborhood District to "NX2" Mixed-Use District.

Motion passed: 14-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 2/9/2023

0 25 50 100 150 200 Feet

City of Des Moines

1 inch = 112 feet



Updated on: 2/9/2023

1 inch = 112 feet











GENERAL DRAWING NOTES	
UNIT COUNT	
12 - 1-BEDROOM UNITS (1B)	
8 - 2-BEDROOM FLAT UNITS (2BF)	
20 - 2-BEDROOM CONCISE UNITS (2BC)	
PARKING COUNT	
50 TOTAL STALLS (2 ACCESSIBLE SPACES REQUIRED)	

1 SCHEMATIC SITE PLAN
1/8" = 1'-0"





NDCDM.ORG

MINUTES

Re: 3140 Indianola Ave.
Enc: Attendance

February 24, 2023
6:30-7pm

Meeting Location:
Columbus Park Community Center
2100 SE 5th St. Des Moines

Re: 3140 Indianola Ave.
Enc: Attendance

Introductions

Property & development description:

Discussed how we acquired the property through a grant from the city, per the request of councilmember Gatto. We spent almost 12 months relocating current tenants from their mobile homes to new safe environments.

The site was demolished and prepared for re-development. The new site plan was displayed and shows how we intend to save a lot of the mature trees that are healthy. The five buildings are set back into the site and a detention pond is near the streets to look more natural. There will be two access points, one off Indianola and one off Park Ave. There will be new sidewalks that will be safer for pedestrians.

NDC and the design team will be at future neighborhood meetings in the coming months to show progress on elevations and plans and get feedback from the neighborhood.

Attendee Comments / Concerns:

- Traffic light timing and school traffic – timing of streetlights is a concern with traffic being backed up.
- Nuisance neighboring businesses – there was a lot of concern with neighboring businesses with noise from a nearby carwash, activity of people on the site.
- Density – question on the number of units that will be built. There are about as many units as there were former mobile homes, just divided up between 1- 2 bedroom units between one and two stories.

Sincerely,

Abbey Gilroy
Executive Director

Neighborhood Meeting
 February 20, 2023
 3140 Indianola Rd - Redevelopment Presentation

NAME	ADDRESS	PHONE/EMAIL
Stacie Hurst	3040 Indianola Ave	515-710-5942 Sgering7@icloud.com
Janet Richmond	3011 SE 57A St	515-447-1345 janetrichmond@gmail.com
Nelous Bengt	3007 SE 5 th St	515- 681 -1938
Darlene Vasey	3027 SE 8th St	515-288-6300
Linda Wilson	816 E. Pleasant	575-707-1570
Walt Heger	339 E. Broad St.	515-250-7915
Sarah Prouman	709 Pleasant View Drive	Sarahproum@gmail.com
Zhi Chen	2200 Highland Street	Zhichen2828@gmail.com
Molly Hansen	1953 Courtland Dr.	molly.hansen@gmail.com
Sydney Richards	3126 And. Ave	jsyde1024@aol.com

Meet 1-1
*

Item: ZONG-2023-000011

Date: 2/27/23 57

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAR 01 2023

Titleholder Signature: *Alvin Shaw*

Name/Business: SPOTFREE CAR WASH

Impacted Address: 3104 INDIANOLA AVE

Comments: _____

Item: ZONG-2023-000011

Date: Feb. 25, 2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAR 01 2023

Titleholder Signature: *Melissa*

Name/Business: Indianola Hills Neighborhood Association *Board*

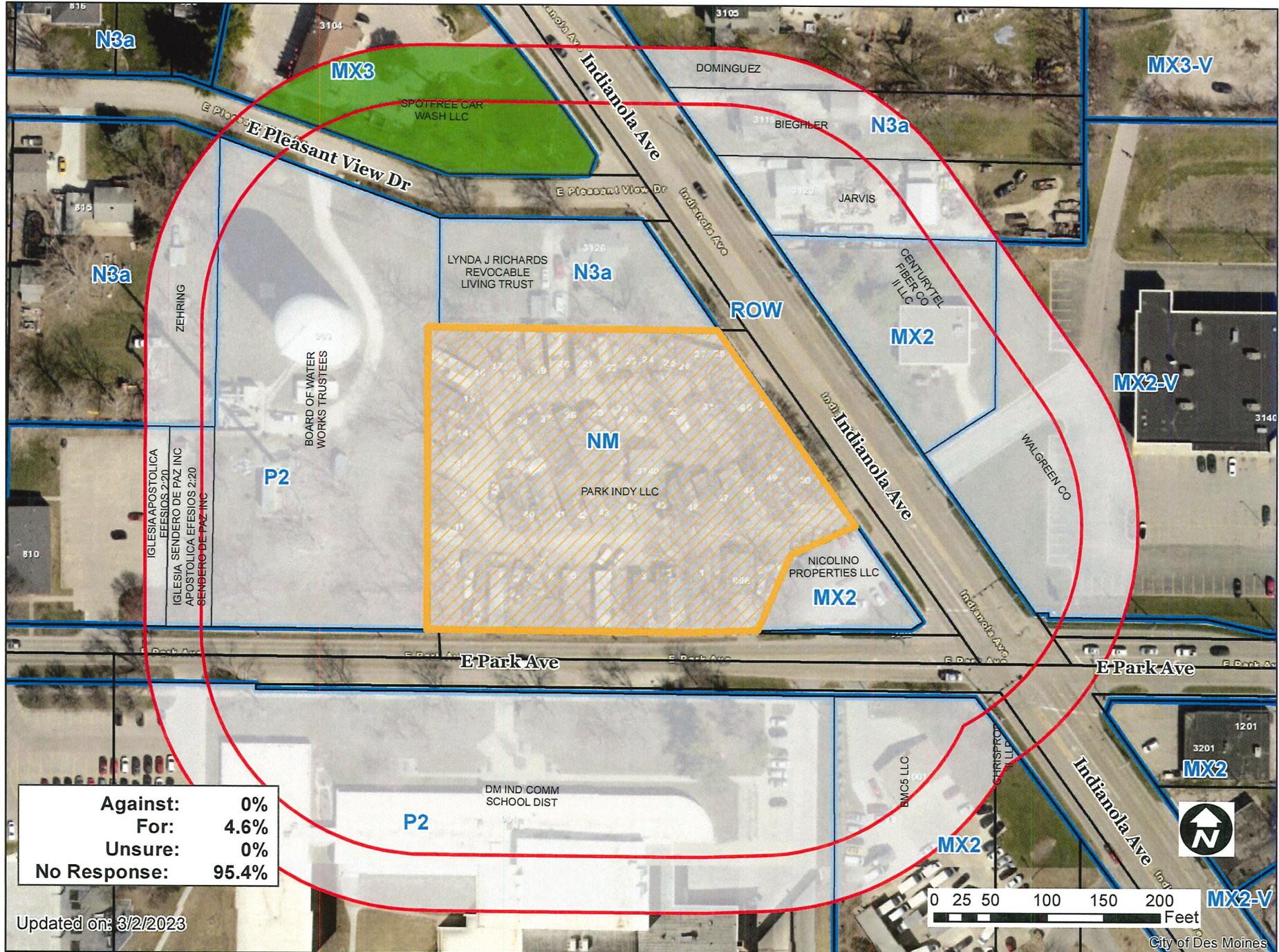
Impacted Address: ↓

Comments: We were very happy to see our neighbors safely relocated from the old trailer park. This new plan is a great addition to that location and our neighborhood.



Updated on: 3/2/2023

1 inch = 113 feet



Against:	0%
For:	4.6%
Unsure:	0%
No Response:	95.4%

Updated on: 3/2/2023



1 inch = 113 feet

City of Des Moines