

.....
Date August 7, 2023.....

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM EUCLID FORESIGHT, LLC (OWNER), REPRESENTED BY BRANDON FOLDES (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3619 5TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Euclid Foresight, LLC (Owner), represented by Brandon Foldes, for the proposed rezoning from “N5” Neighborhood District to Limited “MX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Euclid Foresight, LLC (Owner), represented by Brandon Foldes, to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within Neighborhood Node to Neighborhood Mixed Use within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 6, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Euclid Foresight, LLC (Owner), represented by Brandon Foldes, to rezone the Property from “N5” Neighborhood District to Limited “MX1” Mixed Use District to allow use of the property as a surface parking lot accessory to the property to the south, subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Residential uses permitted by the MX1 District, and
 - b. Surface parking accessory to a permitted use on the property to the south.; and

WHEREAS, the Property is legally described as follows:

LOT 17 IN BLOCK 21 IN HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.;
and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0996, 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 August 7, 2023, at 5:00 p.m., at the City Council Chambers; and



Roll Call Number

Agenda Item Number

52

Date August 7, 2023

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 Neighborhood Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "MX1" Mixed Use District to allow use of the proper as a surface parking lot accessory to the property to the south, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000030; COMP-2023-000018)

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

July 11, 2023

Communication from the City Plan and Zoning Commission advising that at their July 6, 2023 meeting, the following action was taken regarding a request from Euclid Foresight, LLC (owner), represented by Brandon Foldes (officer) to rezone property located at 3619 5th Avenue from “N5” Neighborhood District to “MX1” Mixed Use District, to allow use of the property as a surface parking lot accessory to the property to the south.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					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				
Rick Trower	X				

APPROVAL of Part A) The requested “MX1” 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 Neighborhood Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from “N5” Neighborhood District to “MX1” Mixed Use District subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Residential uses permitted by the MX1 District, and
 - b. Surface parking accessory to a permitted use on the property to the south.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “MX1” 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 Neighborhood Mixed Use within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “MX1” Mixed Use District subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Residential uses permitted by the MX1 District, and
 - b. Surface parking accessory to a permitted use on the property to the south.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “MX1” District, to allow the creation of approximately 21 off-street vehicle parking spaces. This surface parking lot would be serving the property to the south. This property houses the old French Way Cleaners building which is undergoing historical renovation to serve a restaurant use.
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:** 0.16 acres (6,927.8 square feet).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The site currently includes a one-household residential dwelling unit.
5. **Adjacent Land Use and Zoning:**

North – “N5”; Uses are single-household residential.

South – ‘MX1”; Uses are retail, warehouse, and residential.

East – “RX1”; Uses are a private surface parking lot.

West – “N5”; Uses are single-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located to the north of Euclid Avenue and northeast of the Highland Park Neighborhood commercial node. The surrounding area includes a mix of commercial uses along Euclid Avenue, as well as low density residential areas further north.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Highland Park Neighborhood Association. All neighborhood associations were notified of the July 6, 2023, public hearing by emailing of the Preliminary Agenda on June 16, 2023, and the Final Agenda on June 30, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 16, 2023 (20 days prior to the public hearing) and June 26, 2023 (10 days prior to the public hearing) to the 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 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 mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

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 “Neighborhood 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.

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.

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 “N5” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of the Code.”

The applicant is proposing to rezone the parcel to the “MX1” District. The Zoning Ordinance describes this district as, “intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.”

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 for review before the property can be occupied by the proposed use. These regulations include screening and landscaping standards that will buffer the residences to the north from the parking lot.
3. **Staff Rationale:** Staff believes that the subject property is an appropriate location for “MX1” Mixed Use District zoning. This would allow use of the property for surface parking accessory to the property to the south. The proposed parking lot is immediately adjacent to low density residential uses to the north. Therefore, staff recommends approval of the requested “MX1” Mixed Use District subject to the conditions listed in Section III of this report. Given that this area acts as a transition to the residential neighborhood to the north, full compliance with the landscaping, screening and setbacks would be required.

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:

Todd Garner made a motion for:

Part A) The requested "MX1" 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 Neighborhood Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "MX1" Mixed Use District subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Residential uses permitted by the MX1 District, and
 - b. Surface parking accessory to a permitted use on the property to the south.

Motion passed: 12-0

Respectfully submitted,

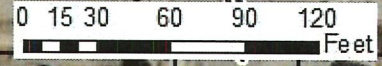


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 6/14/2023



City of Des Moines

1 inch = 75 feet



1 inch = 75 feet

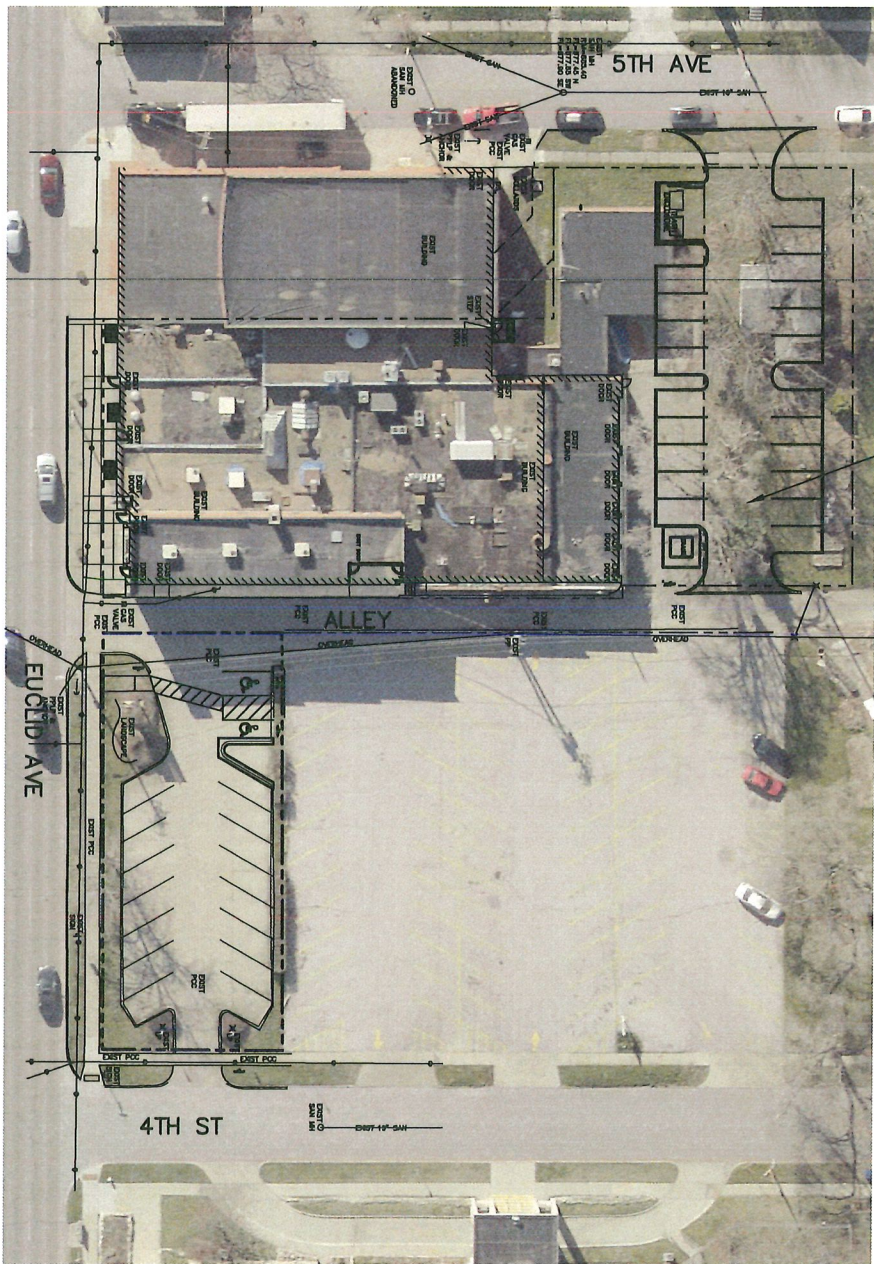




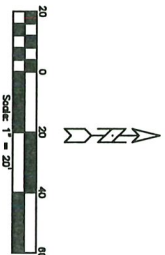




NOTES:
 THE LOCATION OF ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE EXISTING UTILITIES ARE SHOWN AS DOTTED LINES. THE LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES COMPANIES.



21 NEW PARKING STALLS



ERG
 Engineering Resource Group, Inc.
 Engineers and Surveyors
 3415 GRAND AVENUE
 DES MOINES, IOWA 50319
 (515) 281-4300

FRENCH WAY BLDG - CONCEPT 6

NO.	REVISION	DATE	BY	FOR	LOCATION:	SCALE:	DESIGNED BY:	DJS	DRAWN BY:	BGH
						1"=20'				
						DWG: 21-014-CP6.dwg				
						FIELD BOOK:				
							CHECKED BY:	DJS	DATE:	06/07/23
							SHEET	1	OF	1
							FILE NO.:			21-014

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From: jessie@dev.partners
To: [Neighborhood Meeting](#)
Cc: "Danny Heggen"; brandon@dev.partners; "Connor Delaney"; "Doug Saltsgaver"
Subject: Neighborhood Meeting Summary // 3619 5th Ave
Date: Friday, June 30, 2023 2:23:00 PM
Attachments: [3619 5th Ave - Neighborhood Meeting Letter.pdf](#)
[3619 5th Ave Mailing List.xls](#)

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.

Good Afternoon,

Please see below written summary for the neighborhood meeting held for 3619 5th Avenue, at the North Side Library on Wednesday, June 28th, in advance of our Planning & Zoning meeting on Thursday, July 6th.

1. Notification process:
 - a. Attached letter "3619 5th Ave – Neighborhood Meeting Letter" was sent to all neighbors within the notification zone.
 - b. Attached address list for notification zone attached.
2. Who was involved in discussions:
 - a. Project team: Jessie Kintz (Dev Partners) / Euclid Foresight LLC), Danny Heggen (DEV Partners / Euclid Foresight LLC), and Doug Saltsgaver (ERG- civil engineer).
 - b. Public attendance: no participants
 - c. Phone calls: Gary Fox – 515-233-1614 – 818 Onyx Circle, Ames, IA 50010
3. Suggestions and concerns raised by neighbors:
 - a. Gary Fox – wanting to confirm that there was going to be a fence and boundary to separate the parking lot and neighboring residential properties. Current plan includes fencing and landscaping to provide barrier.
4. Changes as result of meeting:
 - a. No changes – current plans address neighbor's concerns.

Please let me know if you have any questions.

Thank you

Jessie Kintz, Project Development Manager
DEV PARTNERS
1300 Walnut St. Suite 100
Des Moines, IA 50309
C: 515-988-3688

June 20, 2023

Dear Property Owner:

Notice of neighborhood meeting to address the rezoning of 3619 5th Avenue.

WHEN: Wednesday, June 28th at 4:00 PM

WHERE:

**North Side Library
3516 5th Ave, Des Moines, IA 50313**

You are receiving this letter and information because you own property that is located within 250 feet of 3619 5th Avenue, Des Moines. This lot is located directly north of the French Way building. The City requires that we contact you as this property is seeking to be rezoned to MX1. You will receive more information from the City regarding their meeting dates in the near future.

The existing single family house is being demolished and the property is proposed to be a parking lot to serve the renovated French Way building.

The anticipated schedule is to start construction August 2023.

On the back of this sheet is a sketch showing the area proposed to be rezoned.

If you have any questions, you may email:

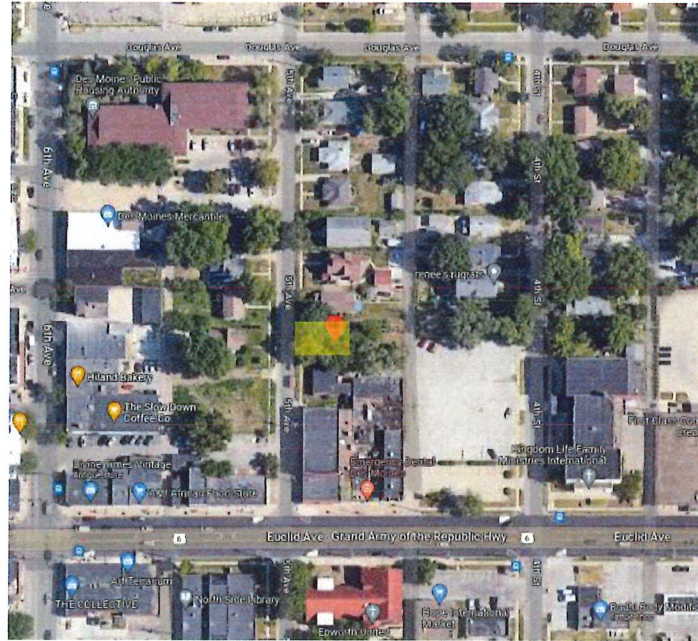
Civil Engineer: Doug Saltgaver, ERG, doug@ergcorp.com

Developer Representative: Jessie Kintz, DEV Partners, jessie@dev.partners.com

We hope we can have your support for this rezoning and ask that when you receive the comment card from the city that you respond in favor.

Thank you.

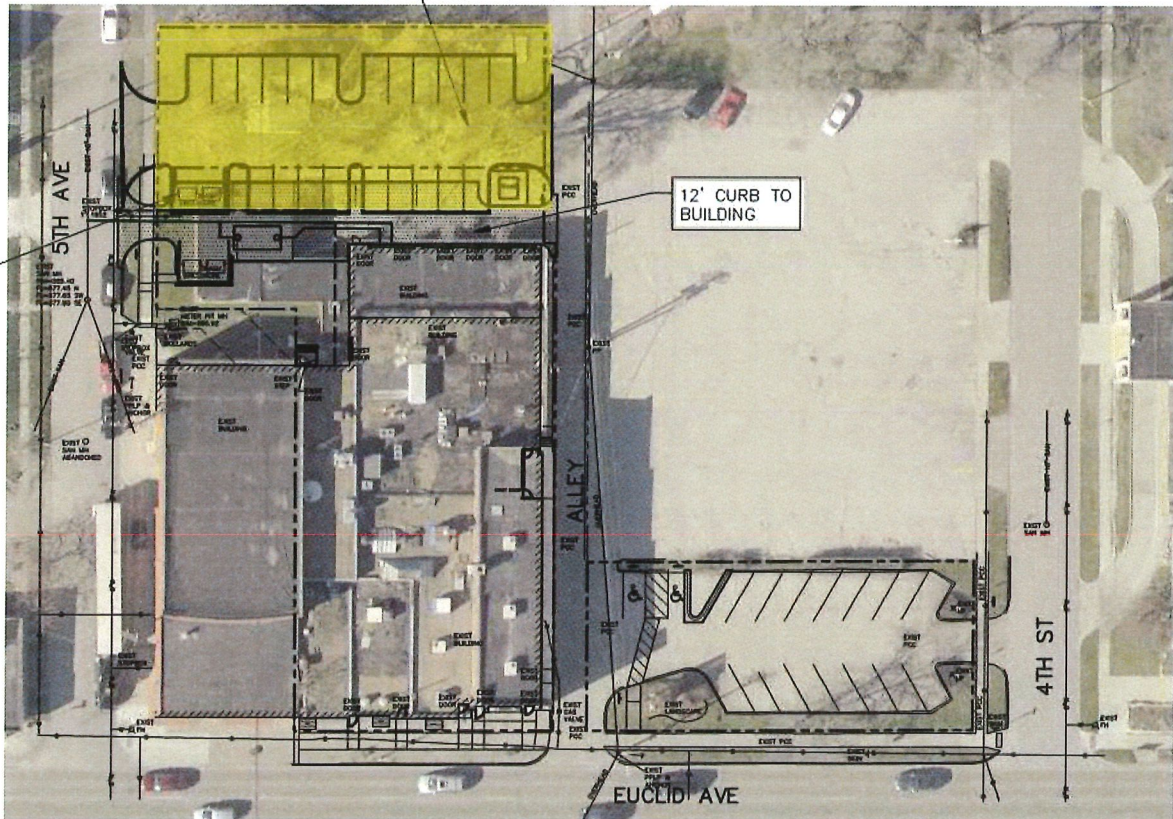
Current:



Proposed:

CURRENT SITE PLAN HAS 7 STALLS, INCREASE OF 14

21 NEW PARKING STALLS



Item: ZONG-2023-000030

Date: June 28, 2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 03 2023

Titleholder Signature: William H. Wheel

Name/Business: Bills Window & Screen Repair (Farmer Hardware) ^{Highland Park}

Impacted Address: 3613 6th Ave.

Comments: _____

Item: ZONG-2023-000030

Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 03 2023

Titleholder Signature: William H. Wheel

Name/Business: Property Owner

Impacted Address: 3601 Sixth Ave. / 519, 521 & 523 Euclid

Comments: _____

Item: ZONG-2023-000030

Date: 6-29-2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUL 05 2023

Titleholder Signature: Jeffrey R. Spidte

Name/Business: Jeffrey R. Spidte

Impacted Address: 3709 5th Ave D.M. TA5031

Comments: _____

Euclid Foresight, LLC, 3619 5th Avenue

ZONG-2023-000030



1 inch = 75 feet