

Date November 6, 2023

**RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1408 31<sup>ST</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), for property located at 1408 31<sup>st</sup> Street, for the proposed rezoning the northern 50 feet of the property from “MX1” Mixed Use District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Neighborhood Mixed Use within a Neighborhood Node; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), for the amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of the property from Neighborhood Mixed Use within a 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 October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (Owner), represented by Abbey Gilroy (Officer), to rezone the northern 50 feet of the Property from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings; and

**WHEREAS**, the Property is legally described as follows:

**LOT 9 IN BLOCK 7 IN MERRITT AND FISCHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.; and**

**WHEREAS**, on October 23, 2023, by Roll Call No. 23-1428, 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 November 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



**Roll Call Number**

**Agenda Item Number**

43

**Date** November 6, 2023

**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 Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the northern 50 feet of the Property, as legally described above, from "MX1" Mixed Use District to "RX1" Mixed Use District, to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings, 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

(COMP-2023-000033) (ZONG-2023-000056)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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

October 16, 2023

Communication from the City Plan and Zoning Commission advising that at their October 5, 2023 meeting, the following action was taken regarding a request from Neighborhood Development Corp (owner), represented by Abbey Gilroy (officer), to rezone the northern 50 feet of the property located at 1408 31<sup>st</sup> Street from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow the development of the property along with the parcels to the south for two (2) multiple-household apartment buildings.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 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 “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the northern 50 feet of the property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the northern 50 feet of the property from “MX1” Mixed Use District to “RX1” Mixed Use District.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the northern 50 feet of the property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the northern 50 feet of the property from “MX1” Mixed Use District to “RX1” Mixed Use District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

**1. Purpose of Request:** The applicant owns three (3) parcels to the northwest of the intersection of Forest Avenue and 31<sup>st</sup> Street and is proposing a new multiple-household residential project. The northernmost 50 feet of the site was previously reserved for a one-household development and was excluded from a recent rezoning proposal to “RX1” District, which would allow development of the site with new multiple-household housing utilizing the “Flat” building type. The applicant has updated their proposal to include the area to the north and is seeking to rezone this area to be consistent with zoning to the south. The conceptual plan for the project indicates approximately eighteen (18) dwelling units located within two (2) 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:** 0.16 acres (7,186.8 square feet).

**3. Existing Zoning (site):** “MX1” Mixed Use District.

**4. Existing Land Use (site):** The site is mostly a vacant parking lot and contains part of an accessory building for the apartment building located to the south.

**5. Adjacent Land Use and Zoning:**

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

**South** – “RX1” Uses are multiple-household residential and accessory buildings.

**East** – “N5”; Uses are one-household residential.

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

6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Forest Avenue and 31<sup>st</sup> Street. The subject property is at the periphery of the Drake University campus area. Surrounding uses include a mix of low-density residential to the north and commercial, higher density residential, and institutional uses to the south.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the October 5, 2023, public hearing by emailing of the Preliminary Agenda on September 15, 2023, and the Final Agenda on September 29, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2023 (20 days prior to the public hearing) and September 25, 2023 (10 days prior to the public hearing) to the Drake 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 Drake Neighborhood mailings were sent to Courtney Ackerson, 979 26<sup>th</sup> Street, Des Moines, IA 50311. The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** On August 7, 2023, by Roll Call 23-1113, the City Council approved a request to amend Plan DSM to revise the future land use classification from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone the property in the vicinity of 3103 Forest Avenue from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow the development of the property for two (2) multiple-household apartment buildings.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood Mixed Use 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 “Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node”. 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.*

*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 property is currently zoned “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.”

The applicant is proposing to rezone the parcel to the “RX1” 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 appropriate for corridors adjacent to low-scale neighborhoods.”

Staff believes the proposed rezoning is necessary to allow the larger multiple-household project to the south. Furthermore, the proposed amendment to the comprehensive plan is appropriate, as the subject property is located in the Drake University Campus area in a walkable neighborhood with a mix of uses along Forest Avenue. 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 0.46-acres subject property would be allowed to have approximately eighteen (18) 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. **Utilities:** There is currently no public storm sewer fronting this property. The two sites immediately to the west of this proposed development utilized shallow detention with a curb outlet. A similar option could be explored for this site. Public sanitary sewer is available on Forest Avenue and 31<sup>st</sup> Street.
4. **Urban Design:** If rezoned to “RX1” District, any multiple-household residential use would need to be constructed in accordance with either the Flat Building or Row building type. The conceptual sketch submitted with the application indicates that the applicant is proposing two (2) flat buildings, each fronting Forest Avenue, and 31<sup>st</sup> Street and the north/south alley respectively with a total of 18 dwelling 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 Forest Avenue and the neighborhood node, as well as proximity to amenities in the Drake University Campus area.
5. **Traffic/Street System:** The submitted site concept indicates seventeen (18) multiple-household residential units situated off a common drive with one access located on the north/south alley off Forest Avenue. The subject site is located within proximity to 30<sup>th</sup> Street, which is served by a DART bus line. Staff notes that a minimum 5-foot-wide sidewalk along all street frontages of the subject property is required.

A traffic study was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

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 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:**

Carloyn Jenison made a motion for:

Part A) The requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the northern 50 feet of the property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the northern 50 feet of the property from “MX1” Mixed Use District to “RX1” Mixed Use District.

**THE VOTE: 11-0**

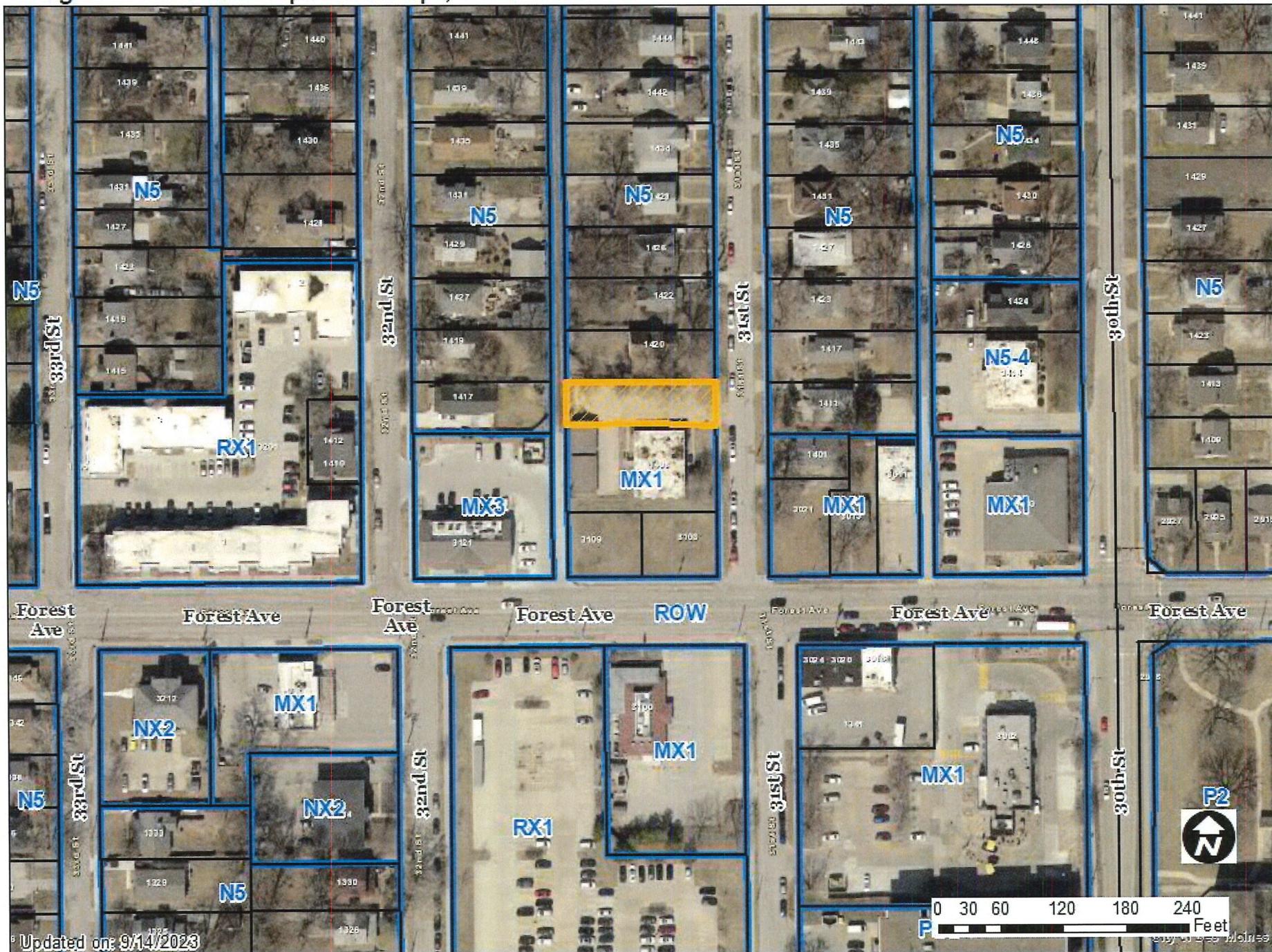
Respectfully submitted,

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

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

43



Updated on: 9/14/2023



1 inch = 121 feet









**TF1.1**

EXTERIOR CHARACTER

06.28.2023

**SHYFT**  
PLAN | DESIGN | BUILD

**3103 AND 3109 FOREST AVE**

1300 Walnut St - Suite 100 / Des Moines, IA 50309 / [SHYFTCOLLECTIVE.COM](http://SHYFTCOLLECTIVE.COM)

**From:** [Jessie Kintz](#)  
**To:** [Chakraborty, Sreyoshi](#)  
**Subject:** Neighborhood Meeting Summary // 1408 31st St.  
**Date:** Friday, September 29, 2023 4:26:28 PM  
**Attachments:** [1408 31st st - Neighborhood Meeting Letter.pdf](#)  
[1408 31st St. 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 1408 31<sup>st</sup> St., at Hope & Elim on Thursday, September 28<sup>th</sup>, in advance of our Planning & Zoning meeting on Thursday, October 5<sup>th</sup>.

1. Notification process:
  - a. Attached letter "1408 31<sup>st</sup> St. – 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)
  - b. Public attendance: N/A
  - c. Additional attendance by Danny Heggen (DEV Partners) at the monthly neighborhood meeting on Wednesday, September 13<sup>th</sup> to speak with the board and public attendees about the attached project. No concerns.
3. Suggestions and concerns raised by neighbors:
  - a. N/A
  - b. Changes as result of meeting: N/A
  - a. No changes – N/A

Please let me know if you have any questions.

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



**1408 31<sup>st</sup> St.**

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**Neighborhood Rezoning Meeting**

Date: 9.28.23  
4:00 PM

Location: Hope + Elim  
2500 University Ave.

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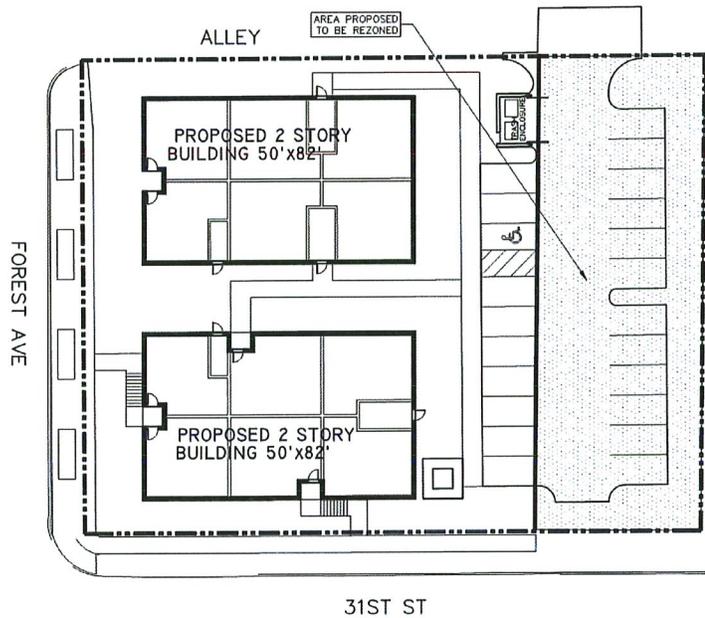
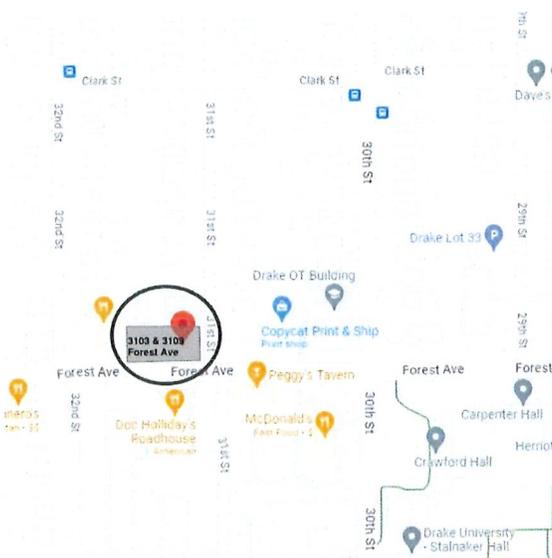
## Overview

We are seeking new property zoning that will allow for medium density rowhome housing, consisting of 17 units, to be built on the properties.

Current zoning: MX1, Neighborhood-scale mixed use

Proposed zoning: RX1, Transitional-scale mixed use

## Location:



## Proposed Use:

- Two 2-story buildings with a mix of 10 one-bedroom units and 7 two-bedroom units.



Item: ZONG-2023-000056 Date: 9-27-23

Please mark one of the following:

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

Staff Use Only
<b>RECEIVED</b>
COMMUNITY DEVELOPMENT
OCT 02 2023

Titleholder Signature: 

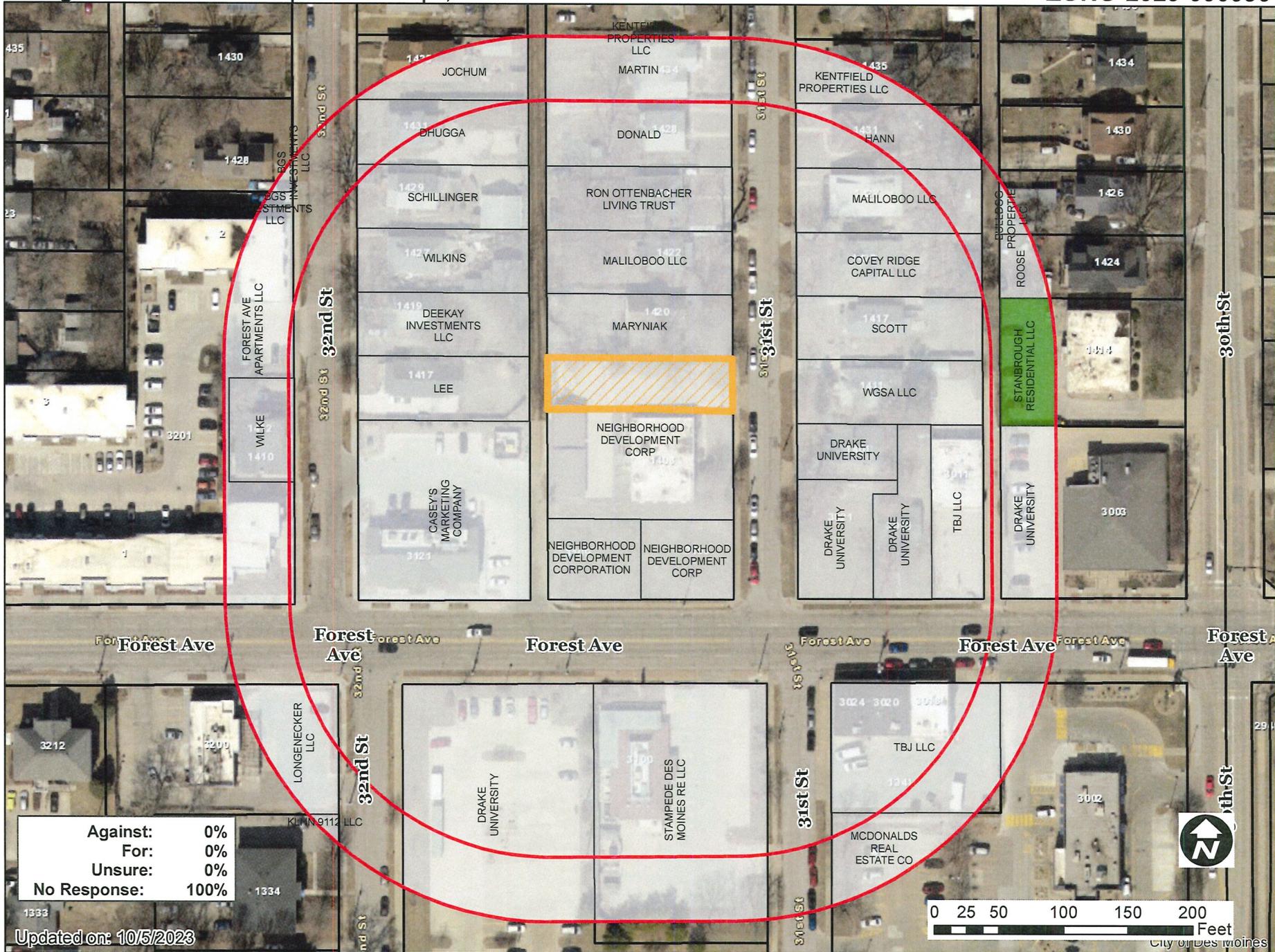
Name/Business: JEFF STANBROUGH

Impacted Address: 1414 30th St., ESM

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Neighborhood Development Corp., 1408 31st Street

ZONG-2023-000056



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

Updated on: 10/5/2023



1 inch = 98 feet

