

Date December 18, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM THIRTEEN FIFTY, LLC (OWNER), REPRESENTED BY JAKE SPARKS (OFFICER), TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1350 EAST WASHINGTON AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 16, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Thirteen Fifty, LLC (owner), represented by Jake Sparks (officer), for the proposed rezoning from “NX2” Neighborhood Mix District to “MX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held November 16, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Thirteen Fifty, LLC (owner), represented by Jake Sparks (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 16, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Thirteen Fifty, LLC (owner), represented by Jake Sparks (officer), to rezone the Property from “NX2” Neighborhood Mix District to “MX1” Mixed Use District to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden/farm; and

WHEREAS, the Property is legally described as follows:

LOT 232 (EXCEPT THE EAST 7 FEET AND SOUTH 13 FEET) IN UNION ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on December 4, 2023, by Roll Call No. 23-1685, 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 December 18, 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.

Date December 18, 2023

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-Medium Density Residential to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “NX2” Neighborhood Mix District to “MX1” Mixed Use District to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden/farm, 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-2023-000064)(COMP-2023-000039)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
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

November 28, 2023

Communication from the City Plan and Zoning Commission advising that at their November 16, 2023 meeting, the following action was taken regarding a request from Thirteen Fifty, LLC (owner), represented by Jake Sparks (officer) to rezone the property located at 1350 East Washington Avenue from “NX2” Neighborhood Mix District to “MX1” Mixed Use District, to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden/farm.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi					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 rezoning to “MX1” District be found not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this property as Low-Medium Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low-Medium Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “NX2” Neighborhood Mix District to “MX1” Mixed Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning to “MX1” District be found not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this property as Low-Medium 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 classification for the property from Low-Medium Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from “NX2” Neighborhood Mix District to “MX1” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning to “MX1” Mixed Use District would allow the applicant to repurpose the property for a mix of uses. A preliminary site sketch submitted with the rezoning application indicates reuse of the former Whittier Elementary School building for two office spaces, a workshop and studio spaces. Additionally, a café and retail space with an outdoor gathering space, and an urban farm/garden with a community kitchen is proposed.

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:** 29,686 square feet (0.68 acre).
3. **Existing Zoning (site):** “NX2” Neighborhood Mix District.
4. **Existing Land Use (site):** The subject parcel is the site of a former school building that is in disrepair. The 2-story building is approximately 6,708 square feet in area. There is undeveloped land to the north of the building.
5. **Adjacent Land Use and Zoning:**
 - North** – “NX1”; Uses are one-household residential.
 - South** – “RX1”; Uses are multiple-household residential.
 - East** – “NX1”; Uses are one-household residential.
 - West** – “N5”; Uses are one-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the west of the East 14th Street corridor at the intersection of East Washington Avenue. There is a mix of smaller scale commercial and residential uses of varying densities along East 14th Street to the south of the subject parcel. The remaining areas in the vicinity are primarily residential in character.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Union Park Neighborhood Association and within 250 feet of the Capitol Park and Martin Luther King Jr. Park Neighborhood Associations. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on October 27, 2023, and of the Final Agenda on November 9, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on October 27, 2023 (20 days prior to the public hearing) and November 6, 2023 (10 days prior to the public hearing) to the 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 Union Park Neighborhood mailings were sent to Jack Daugherty, P.O. Box 16113, Des Moines, Iowa 50316. The Capitol Park Neighborhood mailings were sent to Dena Bennet, 1371 E. 9th Street, Des Moines, Iowa 50316. The Martin Luther King Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, Iowa 50316.

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

8. Relevant Zoning History: On May 7, 2019, the City Council adopted Ordinance 14,662 to rezone the property from the “R1-60” One-Family Low-Density Residential District to Limited “R-3” Multiple-Family Residential District classification, subject to following zoning conditions:

- (1) The total number of residential units developed on the Property shall not exceed 8 units;
- (2) Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings;
- (3) Any conversion of the building to residential use shall comply with all applicable Building Codes, with all necessary permits, and with Certificate of Occupancy issued by the Permit and Development Center.

On December 16, 2019, the property was rezoned to “NX2” Neighborhood Mix District as part of the citywide rezoning.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low-Medium Density Residential.

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-Medium Density Residential” to “Neighborhood Mixed Use”. Plan DSM describes these designations as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 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.

The subject property is currently zoned “NX2” Neighborhood Mix District. The Zoning Ordinance describes the “NX2” district as, “intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.”

The applicant is proposing to rezone the property to the “MX1” Mixed Use 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 subject property is located along a busy mixed-use corridor and within a larger walkable neighborhood that is approximately 0.3 miles from a Neighborhood Node centered at the intersection of East 14th Street and East University Avenue. The site is also located along a DART transit route and bus stop. The street network and proximity to transit provides easy access to the proposed uses from the immediate neighborhood, as well as from surrounding areas. The proposed rezoning is compatible with the character of the East 14th Street corridor and adjoining mix of residential and other lower intensity uses. Staff believes that the rezoning is supported by Goal #1 Land Use, Objective 3, within PlanDSM Creating Our Tomorrow Plan, which states, “Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses”, It is also supported by Goal #2 Land Use, Objective 8, which states, “Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential”, and Goal #4 Land Use, Objective #23 which states, “Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.”

2. **Building 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 where parking is

provided, 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 review and approval before the property can be occupied by the proposed use. This Site Plan will ensure that all requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied.
4. **Additional Information:** Any raised planters within the urban garden with hard surface below (compacted gravel, paving, etc.), would be treated as impervious surfaces and would be subject to the stormwater management requirements within the Code.

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:

Kayla Berkson made a motion for:

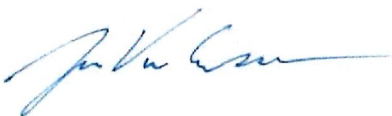
Part A) The requested rezoning to "MX1" District be found not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this property as Low-Medium Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low-Medium Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from "NX2" Neighborhood Mix District to "MX1" Mixed Use District.

THE VOTE: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Thirteen Fifty, LLC, 1350 East Washington Avenue

ZONG-2023-000064



Updated on: 10/26/2023

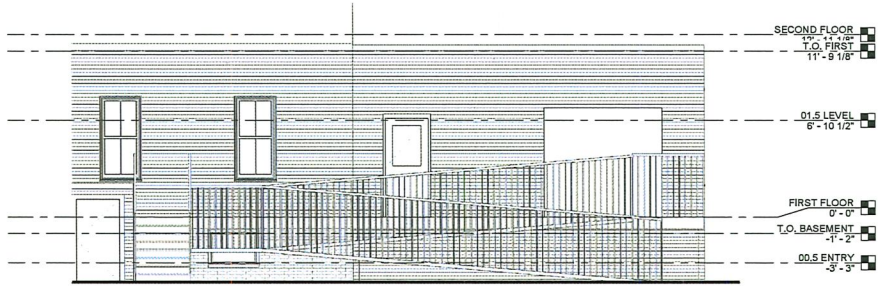
1 inch = 96 feet



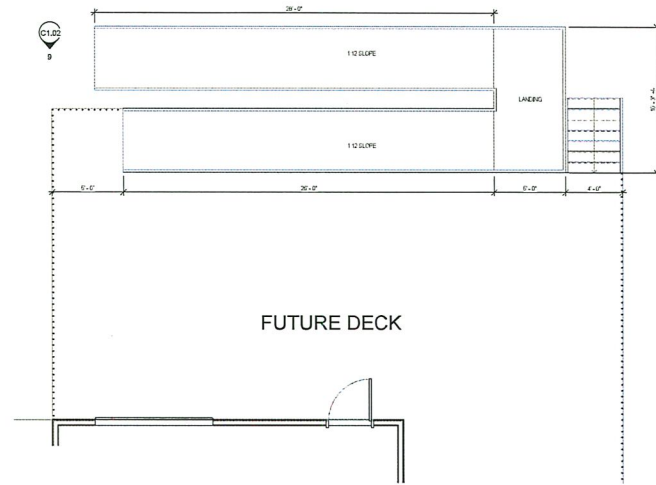




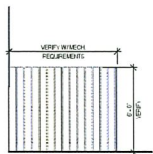




9 | EXT ELEVATION - ACCESSIBLE RAMP CONCEPT
1/4" = 1'-0"



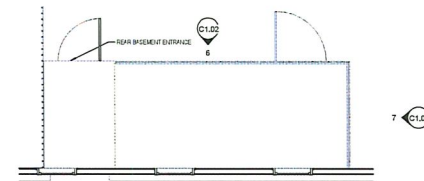
8 | ENLARGED PLAN - ACCESSIBLE DECK CONCEPT
1/4" = 1'-0"



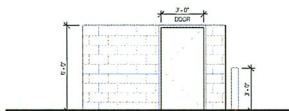
7 | EXT ELEVATION - EAST MECH. SCREEN WALL
1/4" = 1'-0"



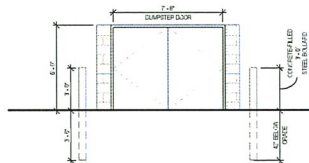
6 | EXT ELEVATION - NORTH MECHANICAL SCREEN WALL
1/4" = 1'-0"



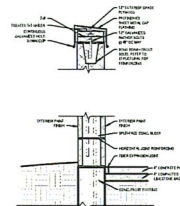
5 | ENLARGED PLAN - MECHANICAL SCREENING
1/4" = 1'-0"



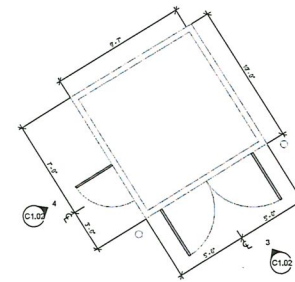
4 | EXT ELEVATION - WEST DUMPSTER ENCLOSURE
1/4" = 1'-0"



3 | EXT ELEVATION - SOUTH DUMPSTER ENCLOSURE
1/4" = 1'-0"



2 | DETAIL - DUMPSTER ENCLOSURE
3/4" = 1'-0"



1 | ENLARGED PLAN - DUMPSTER ENCLOSURE
1/4" = 1'-0"



ISSUE PROJECT	W820
ISSUE DATE	2023.04.07

REVISIONS	DATE
REV DESCRIPTION	DATE

From: [Kelli Lydon](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Steve Wilke-Shapiro](#)
Subject: Re: 1350 E WASHINGTON AVE Rezoning
Date: Thursday, November 16, 2023 11:04:43 AM
Attachments: [image001.png](#)

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.

Oops, sorry about that! Here are my notes:

Greenleaf Board members in attendance:

Kelli Lydon
Chelsea Hoye
Chelsea Lepley

Neighborhood residents in attendance:

Karen Bittner, 1600 block of E. 14th
Nancy Gomez, 1600 block of York
John and Shannon Owen, 1600 block of York

Future tenant Chad Nelson was also on hand

All comments were very positive. The neighbors are excited about having a gathering place and a space to have yoga, dance, art, and other types of classes. One question from Karen Bittner: have you considered opening access to the alley? Answer: Considered it, but didn't find it necessary and want to keep it simple with one drive in and out. Plus, the garbage enclosure will be located in that corner. Karen was pleased with that answer as the alley runs behind her property.

On Thu, Nov 16, 2023 at 8:53 AM Chakraborty, Sreyoshi <SChakraborty@dmgov.org> wrote:

Kelli,

I don't think I have received a summary of your neighborhood meeting. Can you send that to me to include for our presentation tonight. Thanks,

SREYOSHI CHAKRABORTY, AICP (She/Her) | CITY OF DES MOINES

Senior City Planner | Development Services

Office: 515-283-4749 Cell: 515-975-6820

dsm.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

Item: ZONG-2023-000064 Date:

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 13 2023

Titleholder Signature: Marilyn A. Knop

Name/Business: _____

Impacted Address: 1624 York St. DM. Ia 50316

Comments: _____

Item: ZONG-2023-000064 Date:

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 13 2023

Titleholder Signature: D.A. Wetzeland

Name/Business: A Wetzeland

Impacted Address: 1631 York St DSM 50316

Comments: Big boost to the community and
great use of the building

Item: ZONG-2023-000064

Date: 11/10/23

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 13 2023

Titleholder Signature: Dena Bennett

Name/Business: Capitol Park Neighborhood Association

Impacted Address: _____

Comments: We're excited about this project and would love to see more like this in our area!

Item: ZONG-2023-000064

Date: 11/13/23

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 15 2023

Titleholder Signature: [Signature]

Name/Business: 1330 LLC

Impacted Address: 1350 E Washington Ave

Comments: _____

Item: ZONG-2023-000064

Date: 11/12/23

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 16 2023

Titleholder Signature: [Signature]

Name/Business: _____

Impacted Address: 1601 York St, Des Moines, IA 50316

Comments: _____

Item: ZONG-2023-000064

Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 NOV 16 2023

Titleholder Signature: Nancy Dorney

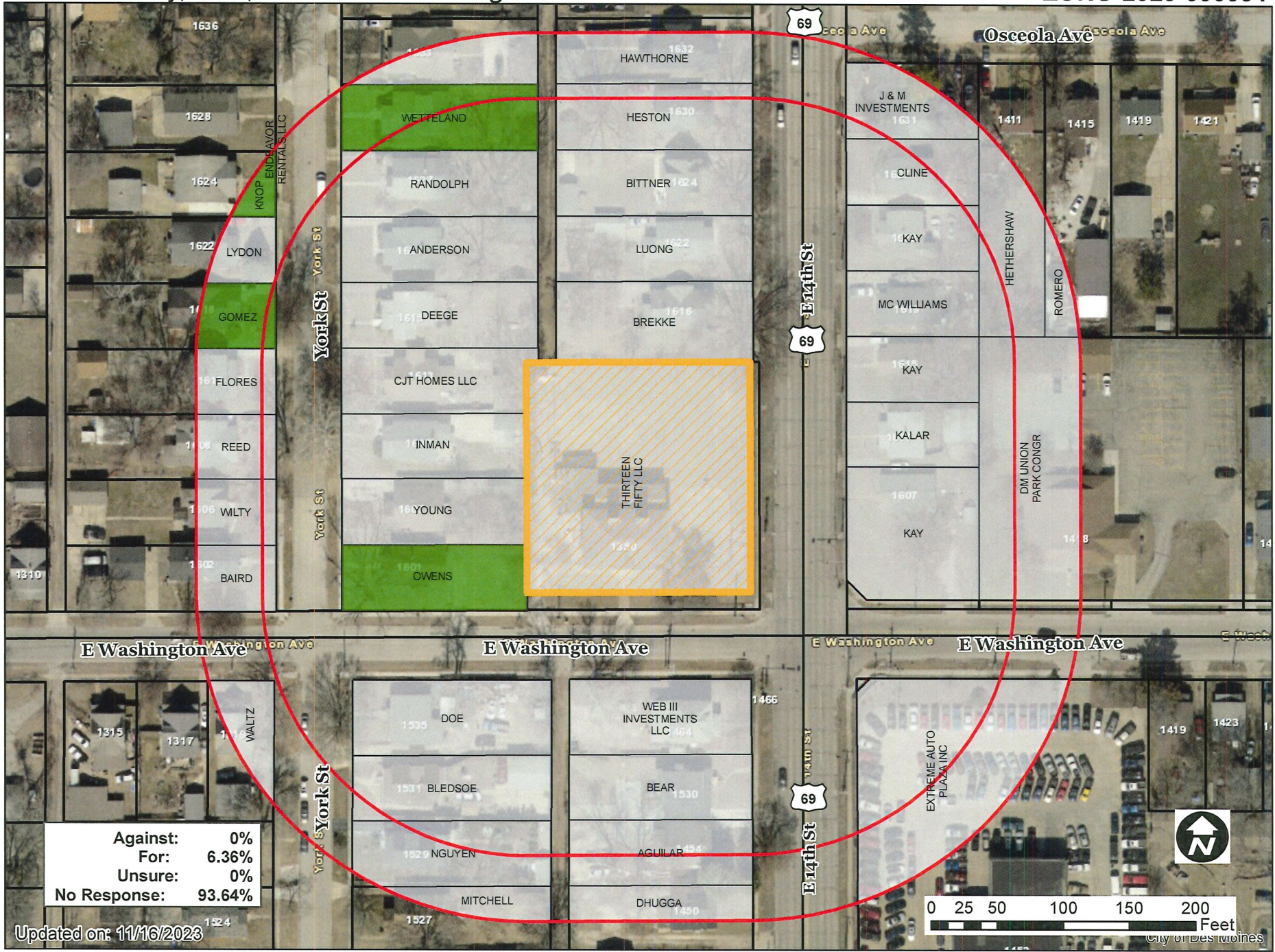
Name/Business: _____

Impacted Address: 1618 York St.

Comments: _____

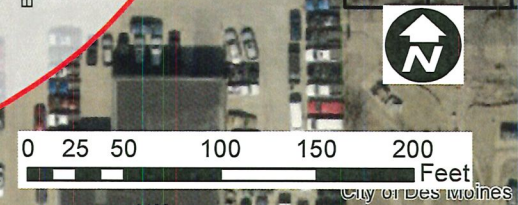
Thirteen Fifty, LLC, 1350 East Washington Avenue

ZONG-2023-000064

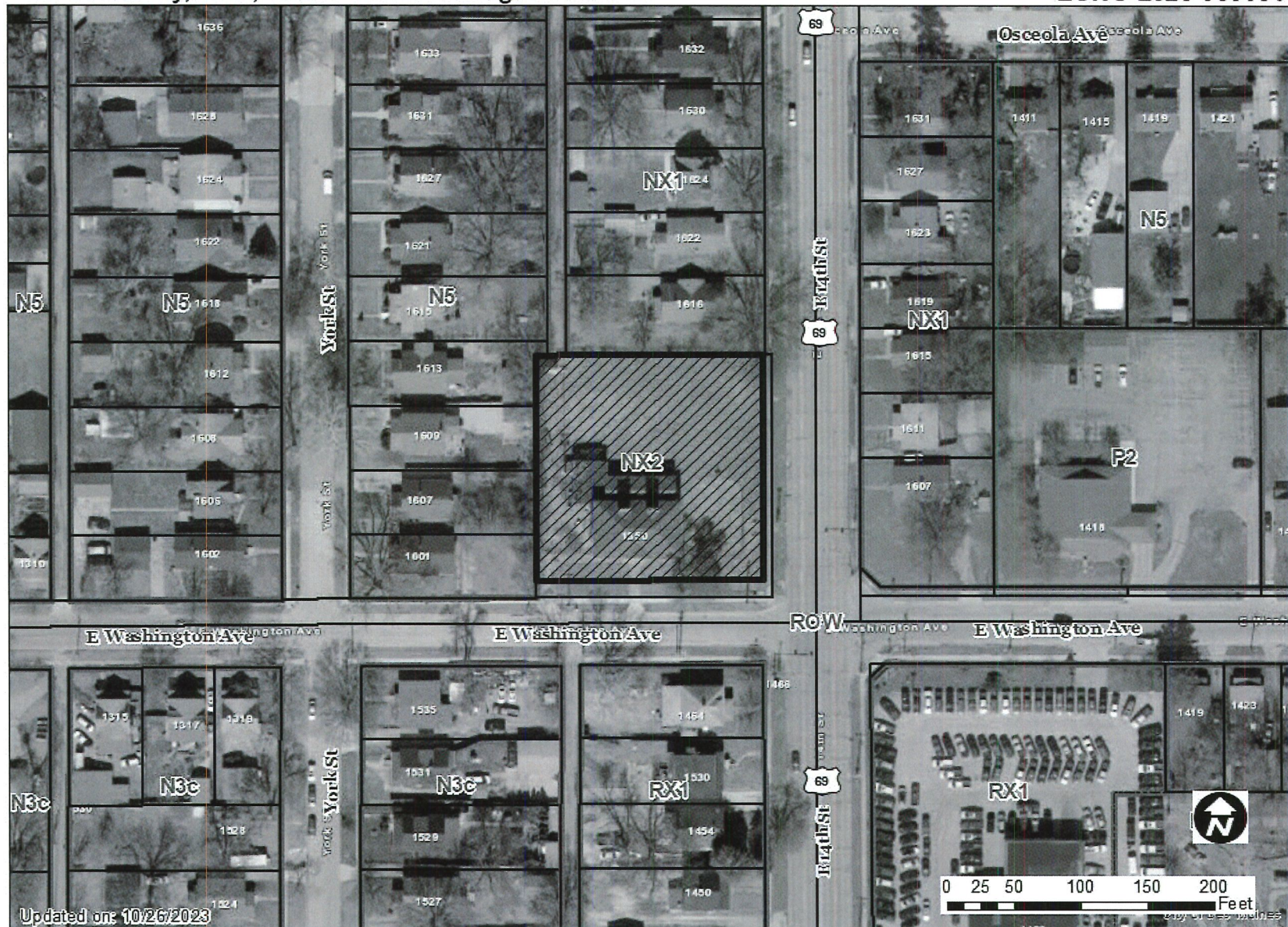


Against:	0%
For:	6.36%
Unsure:	0%
No Response:	93.64%

Updated on: 11/16/2023



1 inch = 96 feet



1 inch = 96 feet