



Date January 8, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM CITY OF
DES MOINES (OWNER), REPRESENTED BY ANN SOBIECH-MUNSON (CITY
ARCHITECT) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE
DESIGNATION AND TO REZONE MULTIPLE PARCELS LOCATED IN THE VICINITY OF
1907 CLARK STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 7, 2023, its members voted 8-1-1 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines (Owner), represented by Ann Sobiech-Munson (City Architect), for the proposed rezoning of the subject parcels from “NX1” Neighborhood Mix District to “P2” Public, Civic, and Institutional 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 on December 7, 2023, its members voted 8-1-1 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines (Owner), represented by Ann Sobiech-Munson (City Architect), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject parcels from Low-Medium Density Residential to Public/Semi-Public; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on December 7, 2023, its members voted 8-1-1 in support of a motion to recommend **APPROVAL** of a request from City of Des Moines (Owner), represented by Ann Sobiech-Munson (City Architect), to rezone the Property from “NX1” Neighborhood Mix District to “P2” Public, Civic, and Institutional District, to allow the construction of a new Fire Station (Des Moines Fire Department Station #4) building; and

WHEREAS, the Property is legally described as follows:

**LOTS 9 THRU 16, OFFICIAL PLAT OF LOT 9 O.P. S 33-T79-R24, AN OFFICIAL PLAT,
NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.**

AND

**ALL THAT PART OF THE VACATED 16.00 FOOT WIDE ALLEY LYING WEST OF
AND ADJACENT TO LOTS 9 THRU 12, OFFICIAL PLAT OF LOT 9 O.P. S 33-T79-R24,
AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF
DES MOINES, POLK COUNTY, IOWA.**

**EXCEPT PARCEL 2023-1 AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK
19415, PAGE 431**



Roll Call Number

Agenda Item Number

34

Date January 8, 2024

AND EXCEPT THE SOUTH 5.00 FEET OF THE EAST 5.00 FEET OF SAID LOT 12 AS SHOWN ON WARRANTY DEED RECORDED IN BOOK 18022, PAGE 323

AND CONTAINING 59748 SQUARE FEET.; and

WHEREAS, on December 18, 2023, by Roll Call No. 23-1763, 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 January 8, 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 multiple parcels from Low-Medium Density Residential to Public/Semi-Public is hereby approved.
3. The proposed rezoning of the multiple parcels, as legally described above, from "NX1" Neighborhood Mix District to "P2" Public, Civic, and Institutional District, to allow the construction of a new Fire Station (Des Moines Fire Department Station #4) building, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



Roll Call Number

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Agenda Item Number

34

Date January 8, 2024

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000067)(COMP-2023-000040)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

December 12, 2023

Communication from the City Plan and Zoning Commission advising that at their December 7, 2023 meeting, the following action was taken regarding a request from City of Des Moines (owner), represented by Ann Sobiech-Munson (City Architect), to rezone eight (8) parcels located in the vicinity of 1907 Clark Street from "NX1" Neighborhood Mix District to "P2" Public, Civic, and Institutional District, to allow the construction of a new Fire Station (Des Moines Fire Department Station #4) building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-1-1-3 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi				X	
Abby Chungath	X				
Kayla Berkson				X	
Chris Draper			X		
Laura Kessel	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 "P2" 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 Public/Semi-Public.

Part C) Approval of the request to rezone the property from "NX1" Neighborhood Mix District to "P2" Public, Civic, and Institutional District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning to “P2” 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 Public/Semi-Public.

Part C) Staff recommends approval of the request to rezone the property from “NX1” Neighborhood Mix District to “P2” Public, Civic, and Institutional District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning to “P2” Public, Civic, and Institutional District would allow for the construction of a new Des Moines Fire Department building. The proposed building would be used as a fire station and training facility.

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:** 59,748 square feet (1.37 acres).

3. **Existing Zoning (site):** “NX1” Neighborhood Mix District.

4. **Existing Land Use (site):** The subject parcels are a combination of vacant and one-household residential uses. They have been acquired by the City of Des Moines. All structures on the subject parcels have been or will be removed.

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

North – “NX1”; Uses are one-household residential and multiple-household residential.

South – “NX1” & “P2”; Uses are one-household residential, multiple-household residential, and institutional.

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

West – “NX1” & “N5”; Uses are one-household residential and multiple-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Clark Street between southbound Martin Luther King Jr. Parkway and northbound 19th Street. The area is predominantly a mix of one-household residential and multiple-household residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the King Irving Neighborhood Association and within 250 feet of the Drake Neighborhood Associations. All neighborhood associations were notified of the public hearing by

emailing of the Preliminary Agenda on November 17, 2023, and of the Final Agenda on December 1, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on November 17, 2023 (20 days prior to the public hearing) and November 27, 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 King Irving Neighborhood mailings were sent to Margaret Wright. The Drake Neighborhood mailings were sent to Courtney Ackerson.

The applicant can 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-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 “Public/Semi-Public”. 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.

Public/Semi-Public: Areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities.

The subject property is currently zoned “NX1” Neighborhood Mix District. The Zoning Ordinance describes the “NX1” district as, “intended for a mix of single- and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.”

The applicant is proposing to rezone the property to the “P2” Public, Civic, and Institutional District. The Zoning Ordinance describes this district as, “intended for civic

and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites.”

- 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 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.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper asked if a net displacement analysis was done for the residents being displaced by eminent domain.

Sreyoshi Chakraborty stated she would defer those questions to the applicant, planning staff does not do that type of analysis for rezoning applications.

Jason Van Essen stated this type of analysis is not a part of the planning staff's process. We are not here to debate eminent domain or how the site was acquired, the commission is charged with reviewing the use of land and whether or not it's an appropriate use.

Johnny Alcivar asked if the properties not owned by the city have ever had a structure on them.

Sreyoshi Chakraborty stated they are both vacant parcels.

Jason Van Essen noted the acquisition process has been completed but there is a delay in the map being updated as information is pulled from the accessors database.

Chris Draper asked how comment cards were received if the city now owns these properties.

Jason Van Essen stated public notices are sent based on the accessor's record, the downside of that is the delay of information being updated.

Chris Draper asked why their opposition is being accounted for.

Sreyoshi Chakraborty stated those responses aren't reflected in the percentage of opposition.

Eric Berkson, Assistant City Architect stated of the 8 parcels included in this rezoning request, 3 of them were required through eminent domain. All 3 parcels did not have occupied structures, they are vacant lots. Eric began presenting a power point presentation to the commission.

Chris Draper asked if there were residents on this site.

Eric Berkson stated there were 2 houses on the site, both were vacated through a purchase agreement. 1 structure has already been demolished and they plan to demolish the other by March 1, 2024.

Will Page asked if anyone at their neighborhood meeting had concerns with noise.

Eric Berkson stated emergency vehicle traffic along 19th Street and Martin Luther King Jr. Pkwy was a primary concern. There are substantial amounts of emergency vehicle that travel along these corridors today, this would only change the point of origin, not the number of vehicles responding.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jason Zilk, 1548 19th Street stated it's alarming that the project budget has went from \$10.46 million to \$11.6 million when construction hasn't even begun. The city claims to have completed the property acquisitions in October, however, this is misleading due to the ongoing legal dispute. Rather than rushed administrative actions, residents directly affected by this deserve a decision that prioritizes the community needs, values, and well-being. Being the owner of 2 parcels in question, he's had no indication that the eminent domain procedure has been completed.

Carolyn Jenison asked what he is asking for from the commission.

Jason Zilk stated he believes City Council will pass this regardless of the decision tonight. He would like to see the city be forced to complete the process without the consent of the Plan and Zoning Commission.

Chris Draper asked if he believes he is still the owner of the parcels located at 1504 19th Street and 1507 Martin Luther King Jr. Pkwy.

Jason Zilk stated yes.

Justyn Lewis asked if you must own the property to request a rezoning.

Jason Van Essen stated to submit a rezoning application, the city requires proof of ownership. In this case, the city received record from the sheriff's sale, which showed that process has been completed.

Chris Draper asked if this process would require ownership for the rezoning to be approved.

Jason Van Essen stated the city controls the property from the perspective of what is required for an application.

Lisa Wieland stated when the city has proof of possession or ownership interest in a property, often it's not the owner themselves applying but a future buyer.

Justyn Lewis asked how often that occurs.

Jason Van Essen stated a lot of the projects that come before the commission. Developers will have a purchase agreement worked out with the property owner because they don't want to purchase the property until they have zoning approval. Justyn Lewis asked if the city is currently working with Mr. Zilk.

Jason Van Essen stated the city is acquiring the land through the eminent domain process.

Lisa Wieland stated in that process, the city engages in negotiations to voluntarily acquire the property. When they cannot do so, eminent domain proceedings begin.

Justyn Lewis asked if there is documentation showing a negotiation took place.

Lisa Wieland stated if the parties are not able to reach a voluntary agreement, eminent domain proceedings would occur. This process requires paperwork that would identify the property interest being acquired, the purpose for them, the proposed project and specific interest. There is also an application for condemnation that would be recorded with the Polk County Recorder indicating the process has started and the property owner would be notified. A formal hearing would take place and that commission is charged with setting the value for the property being acquired. In this matter, a hearing was held in October and the compensation commission signed an award for the property to be acquired.

Justyn Lewis asked what the award amount was.

Lisa Wieland stated she believes it was around \$40,000. If the owner was to appeal, the scope of that appeal would be limited to the value of the property.

Eric Berkson stated the condemnation hearing was held on October 12th. The other property subject to eminent domain, located at 1915 Clark Street has been recorded as of December 6th.

Jonathan Lund, City Fire Marshall stated this new location will have the potential to house 13 fire personnel, which is typical for new stations being built. Since the 2014 study, they have continued to do research and mapping on their response capabilities. The 2014 study does not account for the new fire station #11 and the evaluation of deferred maintenance that was done by internal city staff. When they requested the Real Estate Division to find available property, they focused on being near major thoroughfares and the least amount of disruption to residence and businesses.

Abby Chungath asked if there are plans to replace the southside fire stations.

Jonathan Lund stated their capital improvement budget extends out 5-years, station #3 and station #4 are included in that budget.

Chris Draper asked if there are locations on the south side that have coverage issues like the ones shown on the heat map presented.

Jonathan Lund stated these heat maps account for vehicles available at the station. When vehicles are dispatched, the closest unit will be dispatched regardless of them being at the

station. They believe moving this station to the northwest will have a significant impact without creating additional coverage gaps.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Francis Boggus stated the applicant has demonstrated evidence that this will be a benefit for the entire community of northwest Des Moines and solve the problem of 4-minute response times.

Will Page stated the city has done a good job with the process they are required to go through to get a project like this approved.

Chris Draper stated although there are a lot of benefits to this new location, he will be passing as all parties aren't clear on who owns what at this point.

Justyn Lewis stated it doesn't seem like the right time for this project as there are other priorities around the city.

COMMISSION ACTION:

Francis Boggus made a motion for:

Part A) The requested rezoning to "P2" 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 Public/Semi-Public.

Part C) Approval of the request to rezone the property from "NX1" Neighborhood Mix District to "P2" Public, Civic, and Institutional District.

THE VOTE: 8-1-1-3

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



City of Des Moines, vicinity of 1907 Clark Street

COMP-2023-000040



1 inch = 99 feet

Des Moines, Iowa

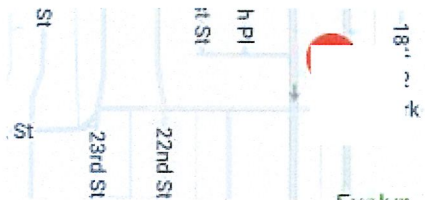
Google Street View

Oct 2022

[See more dates](#)



Image capture: Oct 2022 © 2023 Google





Network: Dec 5, 2023 at 12:10:18 PM CST
Local: Dec 5, 2023 at 12:10:18 PM CST
N 41° 36' 22.025" W 93° 38' 33.651"
1500 - 1540 19th St
Des Moines IA 50314
United States



Network: Dec 5, 2023 at 12:11:12 PM CST
Local: Dec 5, 2023 at 12:11:12 PM CST
N 41° 36' 23.58" W 93° 38' 37.82" W
1515 Martin Luther King Jr Pkwy
Des Moines IA 50314
United States

Des Moines, Iowa

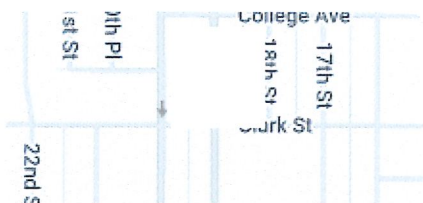
Google Street View

Oct 2022

[See more dates](#)



Image capture: Oct 2022 © 2023 Google



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Local Dec 5 2023 at 12:11:16 PM CST
N 41° 35' 22.329" W 93° 38' 37.799"
1507 Martin Luther King Jr Pkwy
Des Moines IA 50314
United States



Des Moines, Iowa

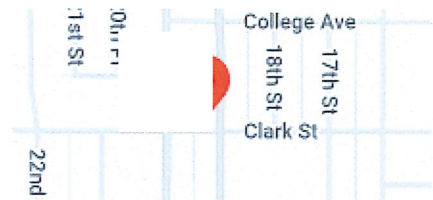
Google Street View

Oct 2022

[See more dates](#)



Image capture: Oct 2022 © 2023 Google



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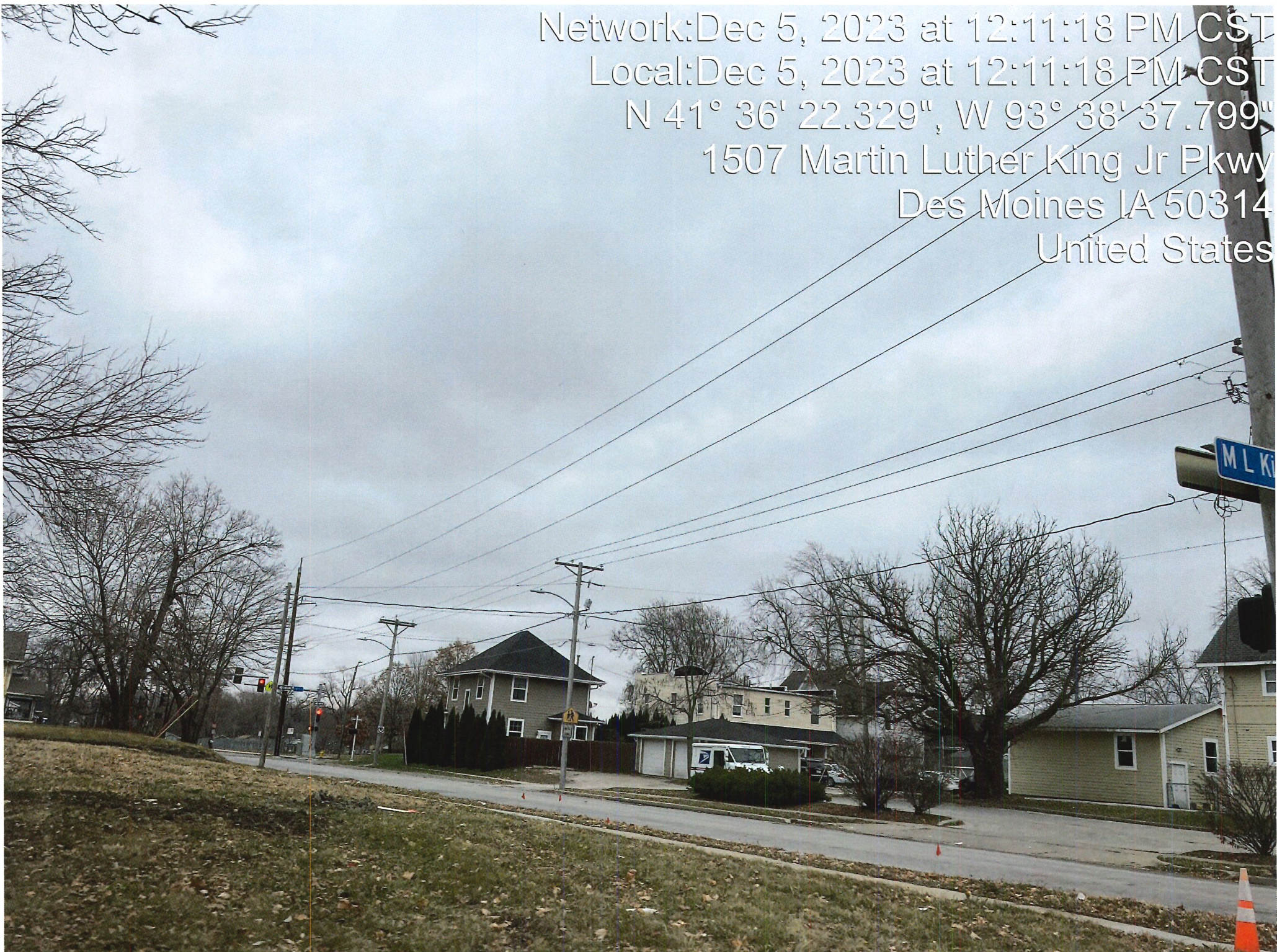
Local: Dec 5, 2023 at 12:11:18 PM CST

N 41° 36' 22.329", W 93° 38' 37.799"

1507 Martin Luther King Jr Pkwy

Des Moines IA 50314

United States



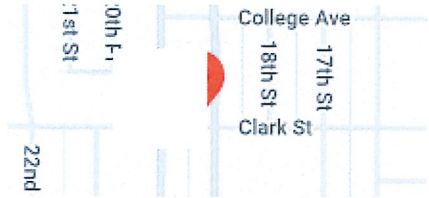


Des Moines, Iowa

Google Street View

Oct 2022 See more dates

Image capture: Oct 2022 © 2023 Google



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Local:Dec 5, 2023 at 12:11:20 PM CST

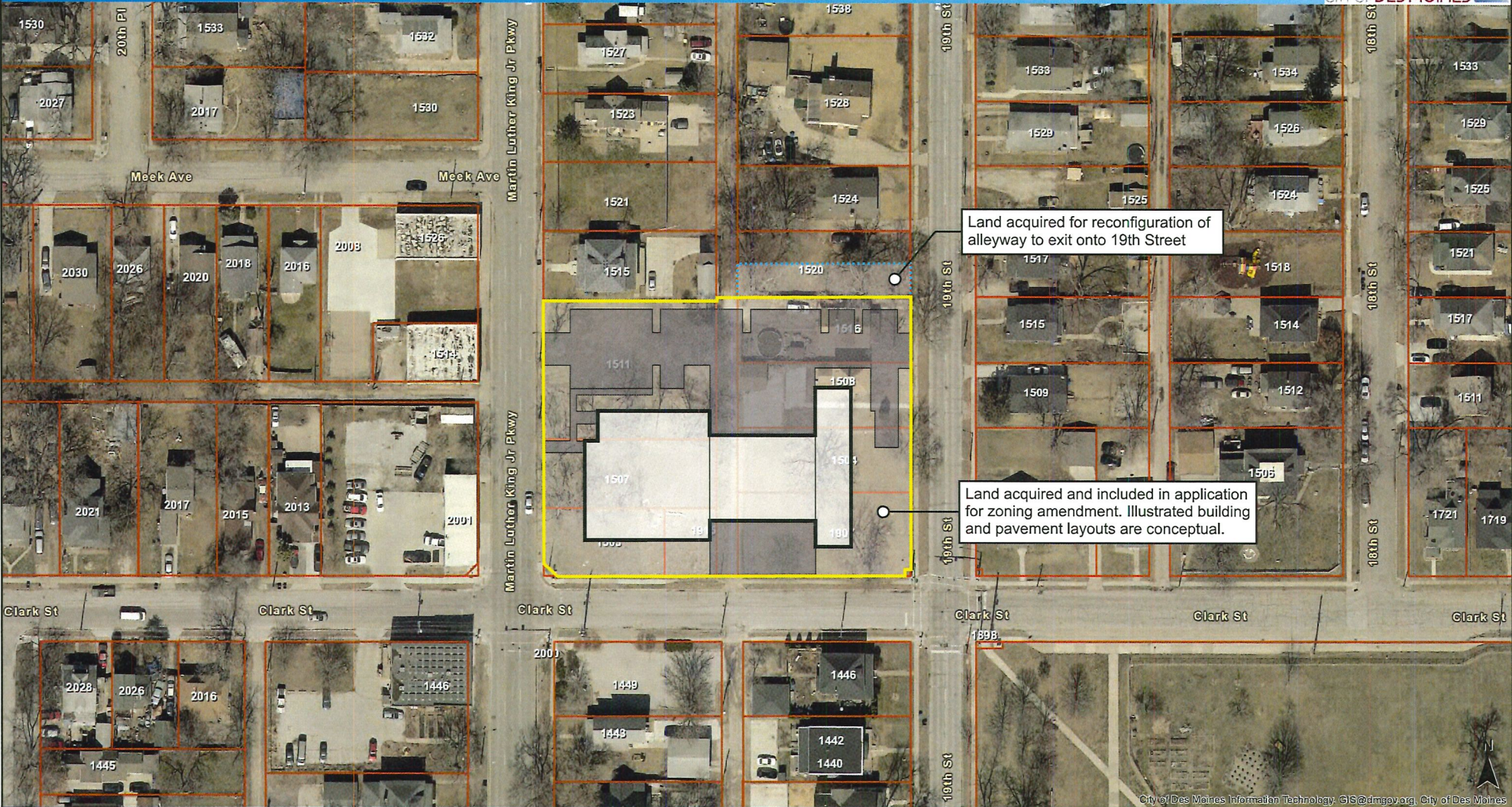
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1503 Martin Luther King Jr Pkwy

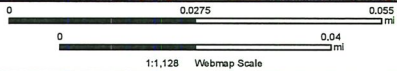
Des Moines IA 50314

United States





Fire Station 4 Relocation, Intersection of MLK & Clark Street, 1.3 acre site.



Coordinate System: WGS 1984 Web Mercator Auxiliary SphereProjection: Mercator Auxiliary SphereDatum: WGS 1984False Easting: 0.0000False Northing: 0.0000Central Meridian: 0.0000Standard Parallel 1: 0.0000Auxiliary Sphere Type: 0.0000Units: Meter

Author: CMO - Facilities

Date: 9/28/2023

Time: 4:23:25 PM

Disclaimer: This map is approximate and may not be complete.
City assumes no liability for accuracy. Consult sources listed to verify information.
Sources: City of Des Moines

Created by City of Des Moines Information Technology Department, GIS Division
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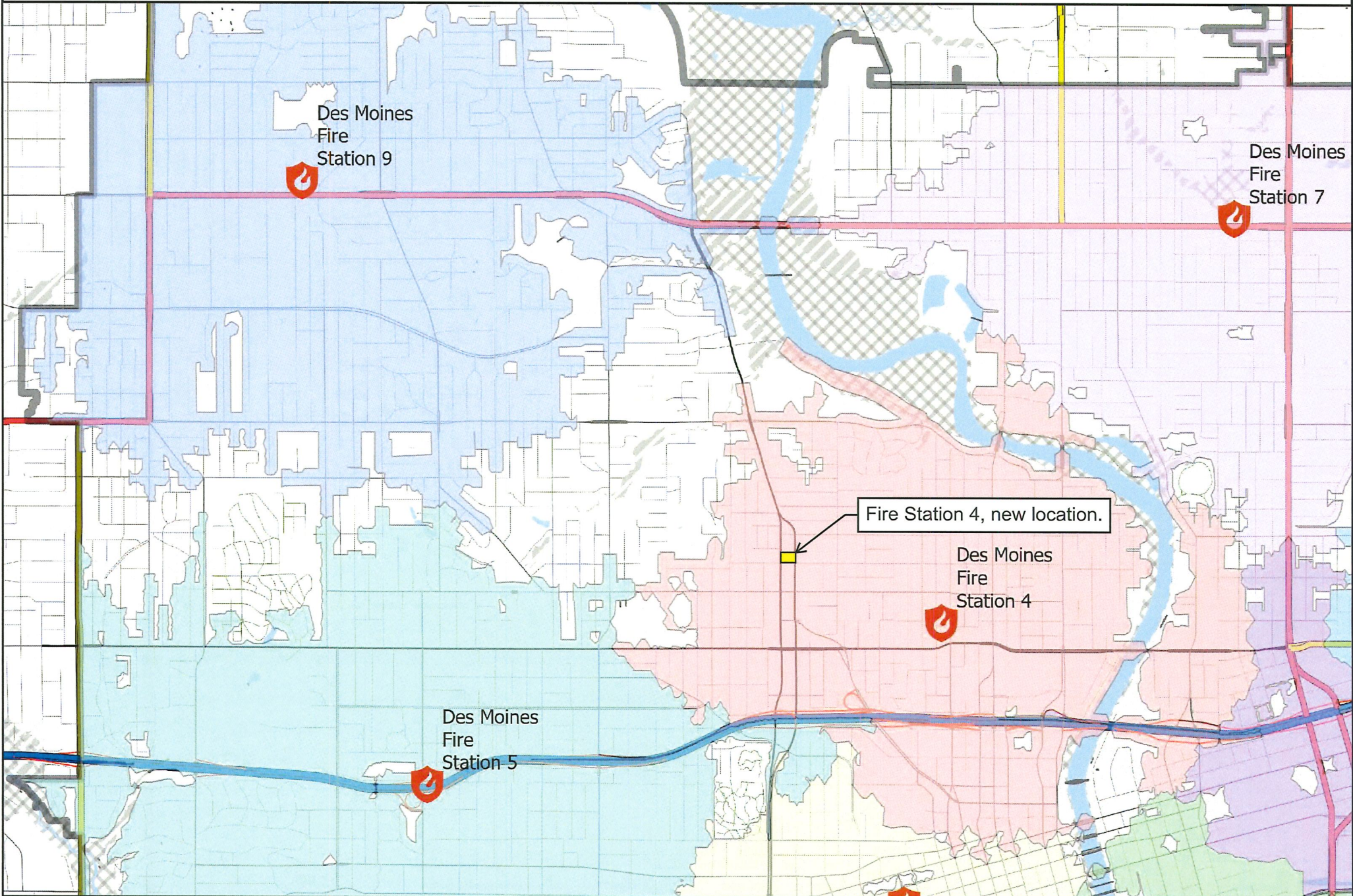
City of Des Moines
Fire Station No. 4

Preliminary - Not for Construction
DESIGN DEVELOPMENT

Substance No.: 0001
City of Des Moines No.: 0-2023-014
Date: 1/19/23
Drawn by: Jordan Alexander
File:

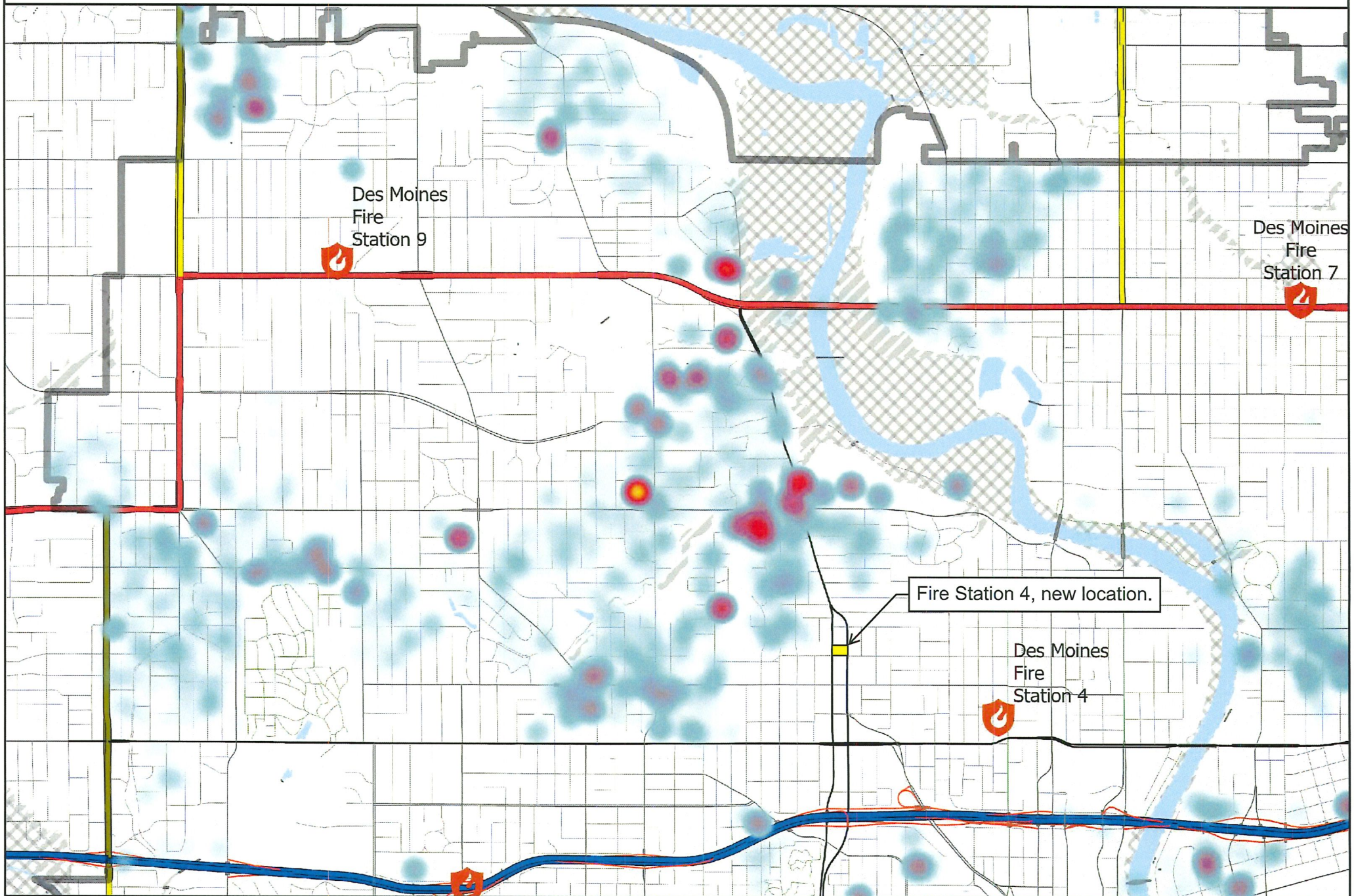
Des Moines Fire Department

Current Coverage Capabilities (shaded areas illustrate a 4.5-minute travel time from existing stations).

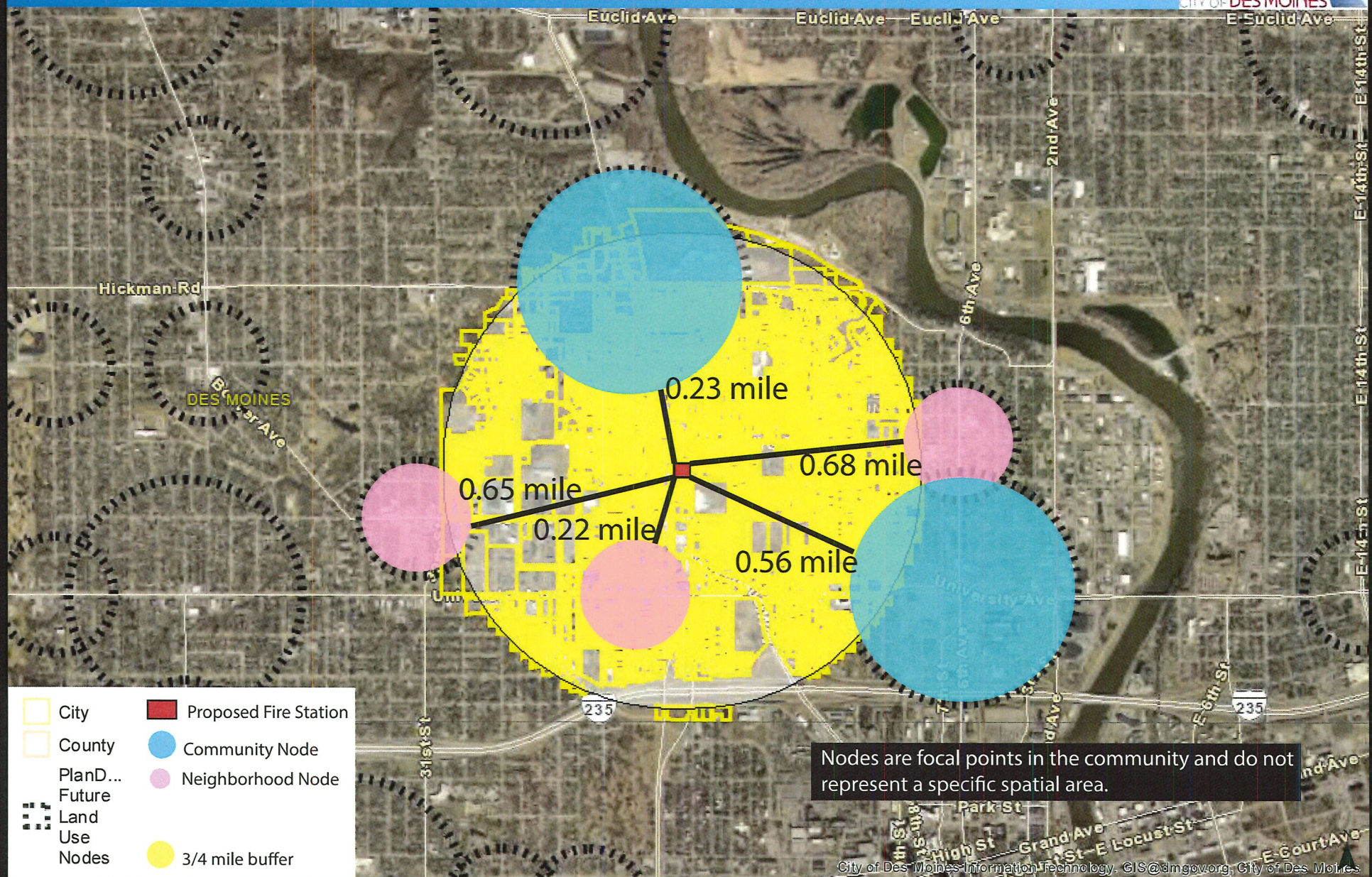


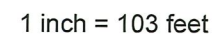
Des Moines Fire Department

1st Due Service Gap (heat map illustrates incidents responded to outside of 4-minute travel time).



Des Moines Webmap





Item: ZONG-2023-000067Date: 30 NOV 2023

Please mark one of the following:



I support the request



I am undecided



I oppose the request

~~STAFF USE ONLY~~
COMMUNITY DEVELOPMENT

DEC 06 2023

Titleholder Signature: Vicki J. Newman

Name/Business: _____

Impacted Address: 1440 M.L. King Jr. Pkwy Des Moines IA 50314

Comments: I can't understand that anyone in the neighborhood would object to this. I think it's great that if my house caught fire, the fire department is right across the road and could respond within a short period of time. (cc)

ZONG-2023-000067

Item: _____

Date: _____

12/3/2-23

Please mark one of the following:

☐

I support the request

☐

I am undecided

☒

I oppose the request

Staff Use Only

Titleholder Signature: _____

Jason Zilk

Name/Business: _____

Impacted Address: _____

1507 MLK, 1504 19th ST, 1549 19th ST

Comments: I am opposed to the proposed zoning change. I believe
the City of Portland is misrepresenting its self as the owner
of at least two properties in question. They have initiated eminent
daming proceedings to acquire these properties, but they ^{process} has not yet been
completed. I contend they do not own the properties and doubt they can produce a
title proving otherwise.



December 1, 2023

City of Des Moines Planning Staff
602 Robert D Ray Drive
Des Moines IA 50309
via email: NHMeeting@dmgov.org

Re: Neighborhood Meeting Summary [ZONG-2023-000067]

To Planning Staff:

On November 28, 2023, the Facilities Division held a neighborhood meeting pursuant to the rezoning request filed under plan number ZONG-2023-000067 for parcels located north of Clark Street, between 19th Street and Martin Luther King Jr. Pkwy. The requested rezoning would amend these parcels from the current NX1, neighborhood mix district to P2, public, civil, and institutional district to enable the site to be developed as a fire station.

Property owners located within 250-feet of the parcels included in this rezoning request, as well as the chairpersons of the adjoining King-Irving and Drake Neighborhood Associations, were notified of this meeting by direct mailing sent on November 15th. The form of this notification has been attached for reference. The meeting was held at 6:30 pm on November 28th at the Forest Avenue Library.

The neighborhood meeting was attended by 13 residents; a sign-in sheet has been attached for reference. Three additional residents arrived in the last 15 minutes of the meeting, after the conclusion of the presentation and group discussion.

Several concerns were raised regarding the proposed rezoning:

1. **Proximity to King Elementary School:** Residents expressed concern that the fire station would decrease pedestrian safety for children attending King Elementary. In addition, residents are concerned that the noise of emergency vehicle sirens exiting the station would be a distraction and detrimental to the education of children attending school.
2. **Site Selection Process:** Residents were upset by the process that led to the selection of this site for a new fire station. A primary objection is that the decision to locate a new fire station on this site was made internally by the City, without adequate consultation of the surrounding property owners and neighborhood associations. Residents asked why no neighborhood impact study was performed.

3. **Eminent Domain:** The use of eminent domain to acquire a portion of the parcels under consideration reflects poorly on the City and does not adequately consider the historic context or counteract the legacy of redlining and urban renewal/freeway development, which have shaped the neighborhood as it exists today and have had direct negative impact on residents present at the meeting.
4. **Displacement of Residents:** Two single-family homes were located on the acquired parcels. As a result, selection of this site has displaced residents. The City's intent to minimize displacement is not in alignment with the impact such displacement may have on the neighborhood.
5. **Noise Impact to Surrounding Residents:** Residents expressed concern that increased emergency vehicle traffic and siren noise along 19th Street and Martin Luther King Jr. Pkwy. will become a nuisance.
6. **Impact on Adjacent Businesses:** The development of this site may impact nearby businesses, and attendees expressed concern that impact on these organizations was not sufficiently considered prior to site selection. Businesses and organizations mentioned in discussion include: The Rose of Des Moines, Polk County Senior Center, Iowa Citizens for Community Improvement (CCI), located at the intersection of MLK and Forest Avenue, one block south of the fire station site; Community Youth Concepts and Clark Auto Repair, located on the west side of the MLK-Clark intersection, across from the fire station site; and the Friendship Center, on the west side of MLK at the intersection with Meek Avenue, slightly northwest of the fire station site.
7. **Impact to Property Values:** Residents expressed concern that the development of this site as a fire station will reduce the value of surrounding properties.
8. **Current Maintenance of Parcels:** One attendee noted concern that the acquired parcels are not adequately maintained by the City and shared a photo of overgrown grass on a vacant lot recently acquired by the City.
9. **Parking:** One resident asked whether the number of parking spaces provided would accommodate all the vehicles a station of this size, with an attached training tower. The same resident noted he has been trying to sell his property directly across the street from the fire station site.
10. **Appropriate Use of City Funds:** One resident asked whether the Fire Department has evaluated using the funds intended for the new building to purchase additional emergency vehicles instead. These vehicles could then be pre-positioned in areas of high demand to reduce the need for additional stations.

The City of Des Moines Facilities Division and Fire Department acknowledge the concerns of the residents in attendance and those of the adjoining neighborhood associations. Responses to these concerns and their impact on the direction of the project moving forward have been provided on the following pages:

1. **Proximity to King Elementary School:**

- a. The Fire Department and Traffic and Transportation Division will deploy "signal preemption" at the intersections of Clark Street with 19th Street and Martin Luther King Jr. Pkwy. Upon dispatch of emergency vehicles, a pre-emptive signal is sent to the lights at these intersections. This signal causes the lights to change to red, which reduces the potential

conflicts between various traffic modes (pedestrians, vehicles, fire service vehicles). Signal preemption allows for the active signal cycle to complete, so pedestrians utilizing crosswalks will still maintain the right-of-way until the cycle has completed.

- b. King Elementary and the Des Moines Public School District were invited via mailed letters to meetings during summer 2022 that provided initial information on the new fire station project, including site selection, prior to the request for City Council to authorize the City to proceed with property acquisition.
 - c. The Facilities Division and Fire Department acknowledge that further consultation with Des Moines Public Schools and King Elementary will be critical to the success of this project. Fire Chief John Tekippe talked with King Elementary Principal Renita Lord by phone on 11/30/2023. He followed up that conversation with an email sent to Principal Lord and copied to DMPS administration. No pressing concerns from the school were noted in their conversation.
2. **Site Selection Process:** On August 8, 2022, the Des Moines City Council approved property acquisition of this site for the purpose of constructing a new fire station. Prior to that request and approval, multiple opportunities were made available for residents to learn more about the project.
- a. May 26, 2022: The City elected to hold a virtual public meeting prior to any Council, zoning, or property acquisition actions to share initial information about the planning and site selection for this project.
 - 1) This meeting was advertised on the City's online calendar, through hard copy notices mailed to 57 individual addresses within 250 feet of the selected site and 11 additional stakeholders, and via City staff liaisons to the Drake, King Irving, and Mondamin Presidential neighborhood associations.
 - 2) One neighborhood resident attended.
 - 3) A recording of that meeting was posted to the project page on the City's website, accessible to the public.
 - b. June 14, 2022: Email between City staff and King Irving Neighborhood Association leadership provided clarification on questions that arose during the neighborhood association's June 2022 regular meeting.
 - c. June 16, 2022: The King Irving Neighborhood Association held a special meeting to discuss the project. Chief Tekippe and City Architect Ann Sobiech Munson attended this virtual meeting to answer questions. Approximately 12 residents attended this discussion.
 - d. July 12, 2022: The City Architect notified, via email, four leaders of the King Irving Neighborhood Association that a Council hearing to request authorization to proceed with property acquisition is planned at the August 8 Council meeting. This email also provided a link to the project page, with a reminder that the meeting presentation materials from May and a "Q and A" document were posted to the site.
 - e. Early August 2022: Residents and the Ward 1 Council Member raised questions regarding the impact that the project would have on the alleyway between 19th Street and Martin Luther King Jr. Pkwy. City staff respond via email.
 - f. August 8, 2022: Chief Tekippe presented background on the project, including additional detail on site selection and consideration of other sites, during the City Council meeting. The meeting was open to the public and a recording was available on the City's website. Council authorized the City to proceed with property acquisition at that meeting.
 - g. After receiving authorization, the City proceeded with acquisition of property at this site. As of October 2023, the City has acquired the necessary property and the design of the station

at this site is in progress. The Facilities Division and Fire Department are confident that of the sites considered, this site remains the best option to meet the project goals of:

- 1) improving service delivery/response times,
- 2) minimizing displacement of occupied residences and businesses, and
- 3) providing proximity to major arterial roads.

h. Ongoing project updates will be made available on the City's website.

3. **Eminent Domain:** The City, through its Real Estate Division, made a good faith effort to negotiate the purchase of the properties in question. Nine parcels were acquired, including two with occupied homes.
 - a. Six acquisitions were completed through negotiation/purchase agreements. This includes both properties with occupied homes.
 - b. For the three parcels where a purchase agreement was unable to be reached, the City exercised its power of eminent domain to acquire land that is necessary to achieve the public purpose of the project.
 - c. The Facilities Division and Fire Department acknowledge the historically grounded sensitivity to the use of eminent domain in the City of Des Moines. The location of the new fire station was selected to promote equity by improving response times and closing service gaps identified through previous study by third-party consultants. The Facilities Division and Fire Department are confident that of the sites considered, this site is best able to meet the project goals and public purpose.
4. **Displacement of Residents:** The two properties containing single-family homes were acquired through purchase agreements, not eminent domain. The City's Real Estate Division worked with the affected residents to purchase the property and to provide relocation assistance and just compensation.
5. **Noise Impact to Surrounding Residents:** Due to the location of the identified service gaps, 19th Street and Martin Luther King Jr. Pkwy. are already major thoroughfares for fire department response. Emergency vehicle traffic frequently uses these streets already. It is not anticipated that the new fire station will appreciably increase emergency vehicle traffic but merely change its point of origin.
6. **Impact on Adjacent Businesses:** The Facilities Division and Fire Department acknowledge that further consultation with adjacent businesses will be critical to the success of this project. In addition to notifications sent pursuant to this rezoning request, we will make additional efforts to contact the adjacent businesses and organizations. A well-maintained civic building, staffed 24/7 by trained emergency personnel, has potential to be a positive asset to the neighborhood.
7. **Impact to Property Values:** Neither the Facilities Division nor the Fire Department can make a statement regarding the impact of this project on nearby property values. Any such statement would be speculative. Facilities will refer this question to the City's Real Estate Division.
8. **Current Maintenance of Parcels:** Concerns regarding the upkeep of property currently held by the City were referred to the Real Estate Division on 11/29/23. In response received 11/30/23, City staff noted that the City-owned parcels in this area will be confirmed to be on the City's "mow list" and the same team will be charged with snow removal at these locations. When construction begins, the

Construction Manager will be responsible for site maintenance until completion of the project. Once the fire station is complete, routine maintenance will be performed by station personnel.

9. **Parking:** Parking at the new fire station will comply with the City's Zoning, Planning and Design ordinances.
10. **Appropriate Use of City Funds:** This project allows the Fire Department to replace the current Fire Station #4, located at 9th Street and University Avenue, which is the second oldest Fire Station and is approaching the end of its functional life. Funds for building projects come from a different source than funds for equipment or emergency vehicles. A significant project goal relates to service times, which are impacted by geographical distances from the station location and would not be addressed through additional vehicles.

This concludes the summary of the neighborhood meeting conducted on November 28, 2023. Please contact me with any questions or requests for additional information related to this rezoning action.

Respectfully submitted,



Eric Berkson, AIA
Assistant City Architect



November 14, 2023

JOSE S VILLARREAL
2013 CLARK ST
DES MOINES IA 50311

Re: Fire Station 4 Relocation – Rezoning Required

To JOSE S VILLARREAL:

The City of Des Moines Facilities Division is requesting a neighborhood meeting to discuss the proposed rezoning of properties on the north side of Clark Street, between 19th Street and Martin Luther King Jr. Parkway. The rezoning is being requested to allow the property to be developed into a fire station with attached stair training tower. Operated by the Des Moines Fire Department, the new ~17,000 square foot facility will improve service delivery and response times in the City's northwest quadrant.

We are inviting the surrounding property owners to attend an upcoming neighborhood meeting as part of the rezoning approval process:

When: **6:30pm, Tuesday, November 28th**

Where: **Forest Avenue Library
1326 Forest Avenue, Des Moines, IA 50314**

Additional information on this project is available on the City's website:
www.dsm.city > **Departments** > **Fire** > **Des Moines Fire Stations** > **Fire Station #4 Project**

by visiting the URL below:
https://www.dsm.city/departments/engineering_-_division/fire_station_no_4.php

or by emailing Eric Berkson, Assistant City Architect:
EWBerkson@dmgov.org

Sincerely,

City of Des Moines Facilities

Fire Station #4 Replacement

Neighborhood Information Meeting

November 28, 2023

Sign-in Sheet

Name	Address
Steve Woods	1339 19th St DM 50314
KRDLICK RALPH A	1823 LLARK STREET
Jason Zilk	1548 19th St DM 50314
Joyce Bruce	3505-24th Pl 50310
Margaret Wright	1537 12th St 50314
MARK GISLER	1515 MLK Jr Pkwy "C"
Denise Anderson	1321 19th
Cortez R. Nichols, SR	1159th St DM FA 50314
Denise Nichols	1159-19th St 50314
Joann Muldoon	1338-18th St 50314
Dayna Chandler-Scott	3623 SW 29th St 50321
John Barino John Barinos 940@gmail.com	12306th Ave #509 DM FA 50314
Chris Coleman	3512 48th Place SW 50310

Hard copy

E-MAIL -

Joann Muldoon
@gmail.com

POLK COUNTY SHERIFF'S OFFICECivil Division 222 – 5th Avenue Des Moines, IA, 50309**SHERIFF KEVIN J. SCHNEIDER**

Sheriff's Office (515) 286-3940 | Fax (515) 286-3410

INVOICE

In the IA District Court for POLK COUNTY COURT

CITY OF DES MOINES

VS

RICHARD PRETTYMAN

Sheriff #: 23027560
Case #: 10-05-2023
Received: 7/25/2023
Service Number: NA

CITY OF DES MOINES
400 ROBERT D RAY DRIVE
DES MOINES, IA 50309

Invoice Number: 12840
Invoice Date: 10/9/2023
Invoice Amount: \$1,754.22
Total Fees: \$1,754.22
Less Advanced Fee: \$0.00
Balance Due: \$1,754.22

Sheriff Fee	Amount	Vendor Fee	Amount
Copy	\$10.00	Publication	\$45.31
Condemnation	\$200.00	Transportation	\$130.38
Processing	\$30.00	Commissioner	\$215.24
Postage	\$6.60	Commissioner	\$220.05
Mileage	\$1.31	Commissioner	\$229.50
		Commissioner	\$231.90
		Commissioner	\$219.43
		Commissioner	\$214.50
	\$247.91		\$1,506.31

Remitted By:
CITY OF DES MOINES
400 ROBERT D RAY DRIVE
DES MOINES, IA 50309

Detach and remit lower portion with your payment

Sheriff Number: 23027560
Case Number: 10-05-2023
RICHARD PRETTYMAN
Amount Due: \$1,754.22

Amount Submitted: _____

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN RIGHTS IN LAND FOR THE
FIRE STATION 4 RELOCATION PROJECT
(Richard Prettyman, 1915 Clark Street, Des
Moines, Iowa 50314).

by the

CITY OF DES MOINES, IOWA,
IA077011A

Applicant.

NOTICE OF APPRAISEMENT OF
DAMAGES AND TIME FOR APPEAL

TO:

Titleholders:

Richard Prettyman (Titleholder)
1915 Clark Street, Des Moines, Iowa 50314

Unknown Successors in Interests of Richard Prettyman
Unknown

Lienholders, Encumbrancers, Secured Parties, Leaseholders, and other Interested Parties:

City of Des Moines (Judgment Holder)
c/o City Clerk
400 Robert D. Ray Drive, Des Moines, Iowa 50309

City of West Des Moines (Judgment Holder)
c/o City Clerk
4200 Mills Civic Parkway, 2B, West Des Moines, Iowa 50265

State of Iowa (Judgment Holder)
c/o Iowa Attorney General
1305 East Walnut Street, Des Moines, Iowa 50309

City of Windsor Heights (Judgment Holder)
c/o City Clerk
1145 66th Street, Suite 1, Windsor Heights, Iowa 50324

Polk County, Iowa (Special Assessments and Judgment Holder)
c/o Polk County Auditor
Polk County Administration Building, 111 Court Avenue, Room 230,
Des Moines, IA 50309

Taxing Authority:

Polk County, Iowa, c/o Polk County Auditor, Polk County Administration Building, 111 Court Avenue, Room 230, Des Moines, IA 50309

And all other persons, companies or corporations having any interest in or owning any of the following-described real estate:

LEGAL DESCRIPTION:

EAST 40 FEET OF LOT 13, OFFICIAL PLAT OF LOT 9 O.P. S33-T79-R24, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 2108 SQUARE FEET.

PROPERTY ADDRESS: 1915 Clark Street, Des Moines, Iowa 50314

(If broken down by property type (fee simple absolute interest), or by property interest (owner, tenant/lessee, other), please so state:)

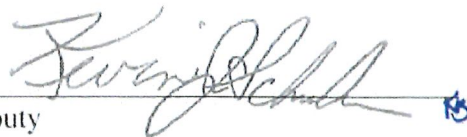
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL AWARD	\$ <u>5,200.⁰⁰</u>

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 6B.18 of the Code of Iowa, any interested party may, within thirty days from the date of mailing the notice of the appraisal of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken.

Dated this 5th day of October, 2023.

SHERIFF OF POLK COUNTY, IOWA

By: _____
Deputy

 13

CITY OF DES MOINES - ENGINEERING DEPARTMENT
REAL ESTATE DIVISION

RECEIPT OF PAYMENT

TO: Polk County Sheriff's Office
Civil Division
222 5th Avenue
Des Moines, IA 50309

DATE: October 26, 2023

PROJECT: Fire Station 4 Relocation

The following check is presented for the City of Des Moines vs Richard Prettyman

Sheriff No. 23027560
Case No. 10-05-2023

Check	Amount	Payee
564915	\$5,200.00	Richard Prettyman Unknown Successors in Interests of Richard Prettyman, City of Des Moines, City of West Des Moines, State of Iowa, City of Windsor Heights, IA, Polk County IA, Polk County Treasurer

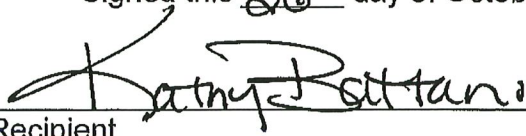
Please sign below and return this form in the enclosed self-addressed, stamped envelope.

Thank you.

City of Des Moines
Real Estate Division, Engineering Dept.
400 Robert D. Ray Drive
Des Moines, IA 50309

Signed this 26th day of October, 2023

Recipient



RECEIVED

OCT 16 2023

LEGAL
DEPARTMENT

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN RIGHTS IN LAND FOR THE
FIRE STATION 4 RELOCATION PROJECT
(Jason and Teresa Zilk, 1507 Martin Luther King
Jr. Parkway, Des Moines, Iowa 50314; 1504 19th
Street, Des Moines, Iowa 50314),

by the

CITY OF DES MOINES, IOWA,
IA077011A

Applicant.

NOTICE OF APPRAISEMENT OF
DAMAGES AND TIME FOR APPEAL

TO:

Titleholders:

Jason T. and Teresa R. Zilk, a married couple
1548 19th Street, Des Moines, Iowa 50314

Lienholders, Encumbrancers, Secured Parties, Leaseholders, and other Interested Parties:

None.

Taxing Authority:

Polk County, Iowa, c/o Polk County Auditor, Polk County Administration Building, 111
Court Avenue, Room 230, Des Moines, IA 50309

And all other persons, companies or corporations having any interest in or owning any of the
following-described real estate:

LEGAL DESCRIPTION:

LOTS 11 AND 14, OFFICIAL PLAT OF LOT 9 O.P. S 33-T79-R24, AN
OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE
CITY OF DES MOINES, POLK COUNTY, IOWA.

AND CONTAINING 13626 SQUARE FEET.

PROPERTY ADDRESS: 1507 Martin Luther King Jr. Parkway, Des Moines, Iowa 50314;
1504 19th Street, Des Moines, Iowa 50314

(If broken down by property type (fee simple absolute interest), or by property interest (owner, tenant/lessee, other), please so state:)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL AWARD	\$ <u>42,500</u>

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 6B.18 of the Code of Iowa, any interested party may, within thirty days from the date of mailing the notice of the appraisal of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken.

Dated this 12th day of October 2023.

SHERIFF OF POLK COUNTY, IOWA

By:  Deputy

CITY OF DES MOINES - ENGINEERING DEPARTMENT
REAL ESTATE DIVISION

RECEIPT OF PAYMENT

TO: Polk County Sheriff's Office
Civil Division
222 5th Avenue
Des Moines, IA 50309

DATE: October 31, 2023

PROJECT: Fire Station 4 Relocation

The following check is presented for the City of Des Moines vs Jason and Teresa Zilk

Sheriff No. 23027557
Case No. 10-12-2023

Check	Amount	Payee
565151	\$42,500.00	Jason T. & Teresa R. Zilk, Polk County, Iowa

Please sign below and return this form in the enclosed self-addressed, stamped envelope.

Thank you.

City of Des Moines
Real Estate Division, Engineering Dept.
400 Robert D. Ray Drive
Des Moines, IA 50309

Signed this 31 day of October, 2023



Recipient

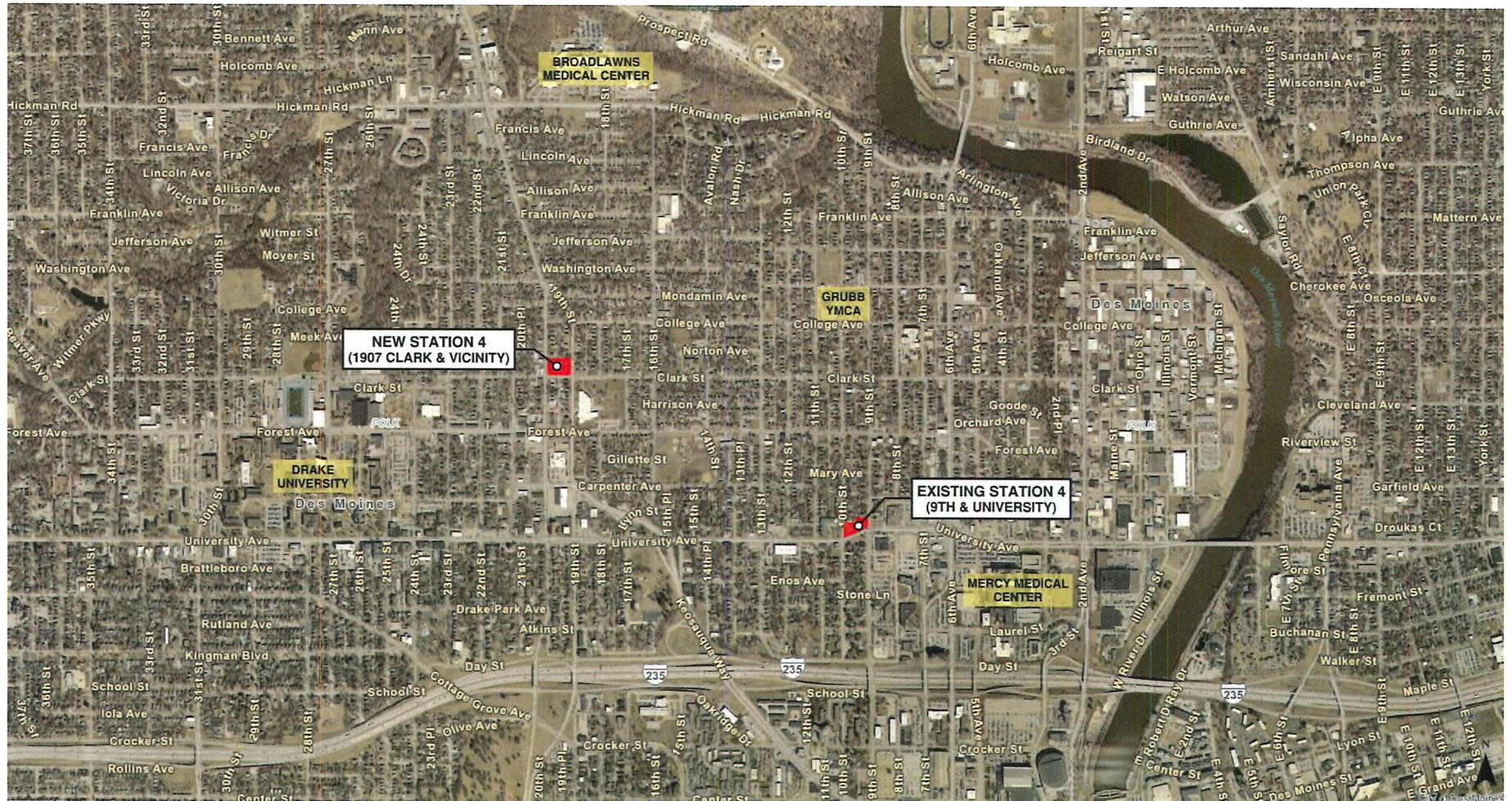
FIRE STATION #4 REPLACEMENT

Rezoning Hearing

December 7, 2023

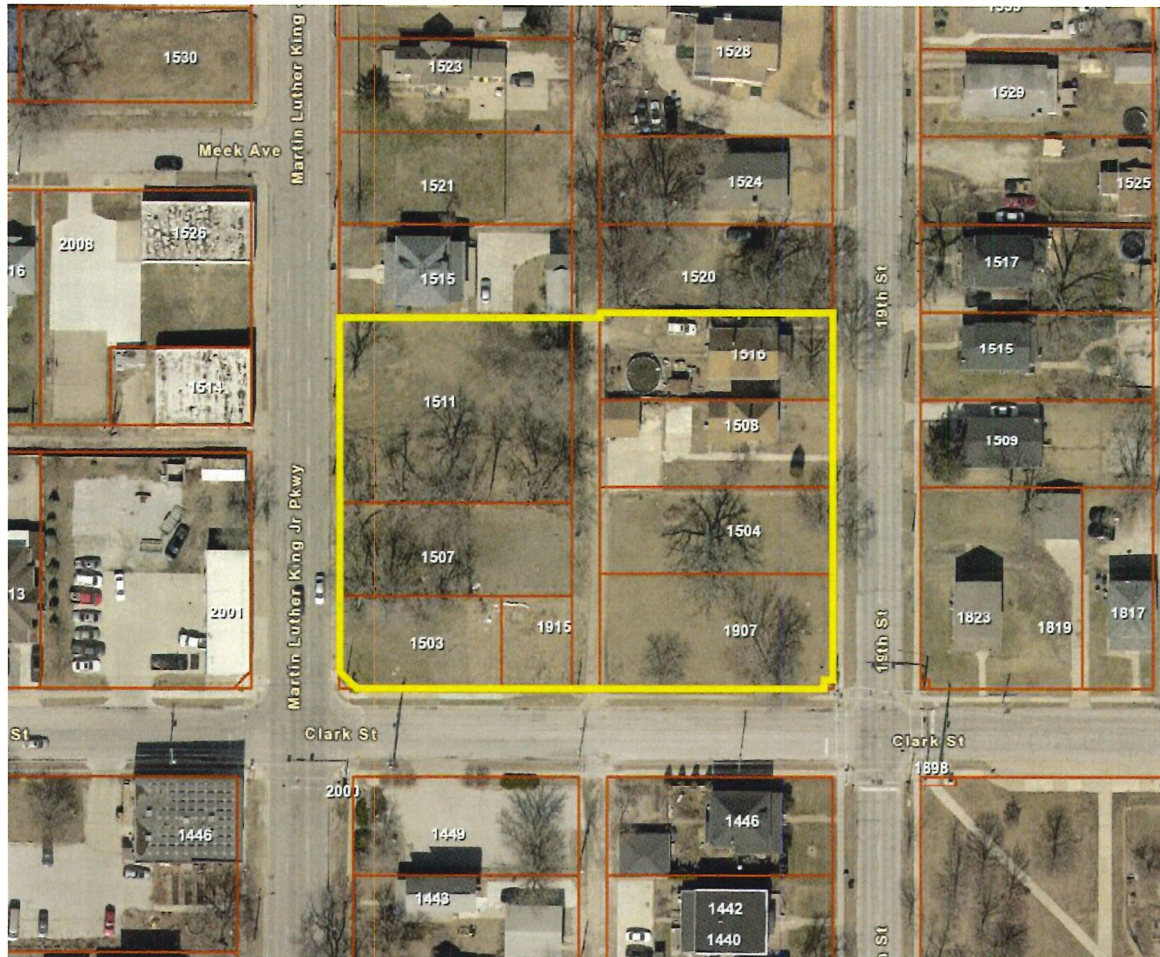
Project Location

Multiple Parcels in the Vicinity of 1907 Clark Street



Proposed Rezoning

Multiple Parcels and Change in District



The image to the left illustrates the extent of the requested rezoning. (Properties outlined in yellow.)

Current Zoning

District NX1

Intended for a mix of single- and smaller-scaled multiple-household uses.

Proposed Zoning

District P2

Intended for civic and institutional facilities, including safety services.

Timeline

Project History through Today

2014 Fire Department Study

The Fire Department completes a City-wide service delivery and facility condition study.

2021 Site Selection

The Clark Street site between 19th and MLK Jr. Pkwy. is determined to be the best location for a new fire station.

May – July 2022 Public Information Meetings

May 26 – Public Information Meeting.

June 16 – Meeting with King Irving Neighborhood Association.

July – Additional email correspondence, Q&A with neighbors and City Council.

August 8, 2022 Council Authorization

Des Moines City Council authorizes acquisition of the Clark Street site for the purpose of constructing a new fire station.

October 2023 Land Acquisition Completed

November 2023 Rezoning Request

Rezoning request filed to permit the site to be developed as a fire station.

Program

What will be inside the fire station?

To support the Fire Department's operations and the residents and guests of Des Moines, the relocated Fire Station 4 will include the following functions and spaces within the building:



Apparatus Bays

Garage to accommodate four fire fighting and rescue apparatus (vehicles).



Station House

Kitchen; toilet and shower; recreation; and bunk facilities for on-duty fire fighters and medics.



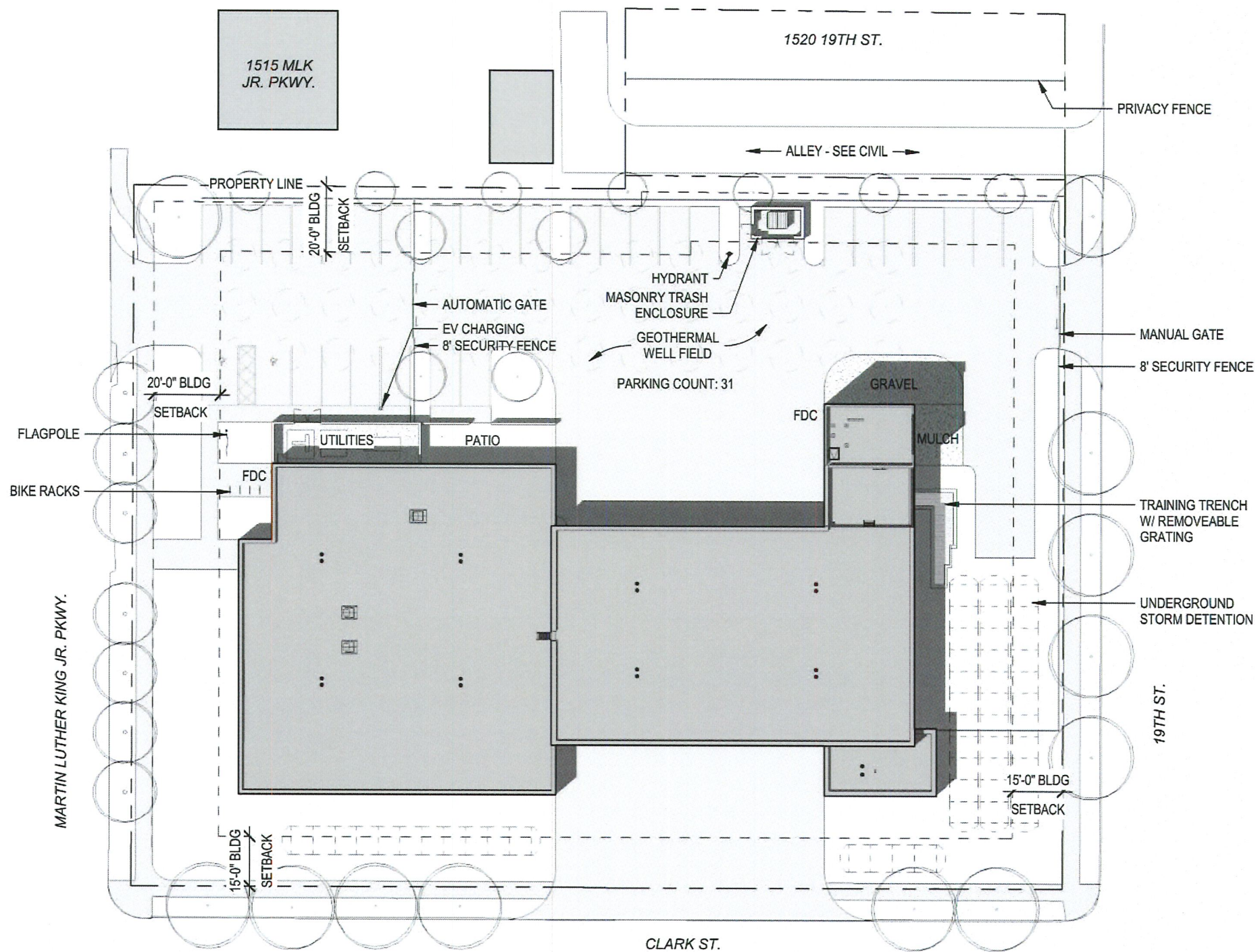
Community Room

Meeting room for community use and Fire Department training activities.



Training Tower

The station will include a three-story, no-burn training tower to practice rescue and hose drags in mid- and high-rise buildings.

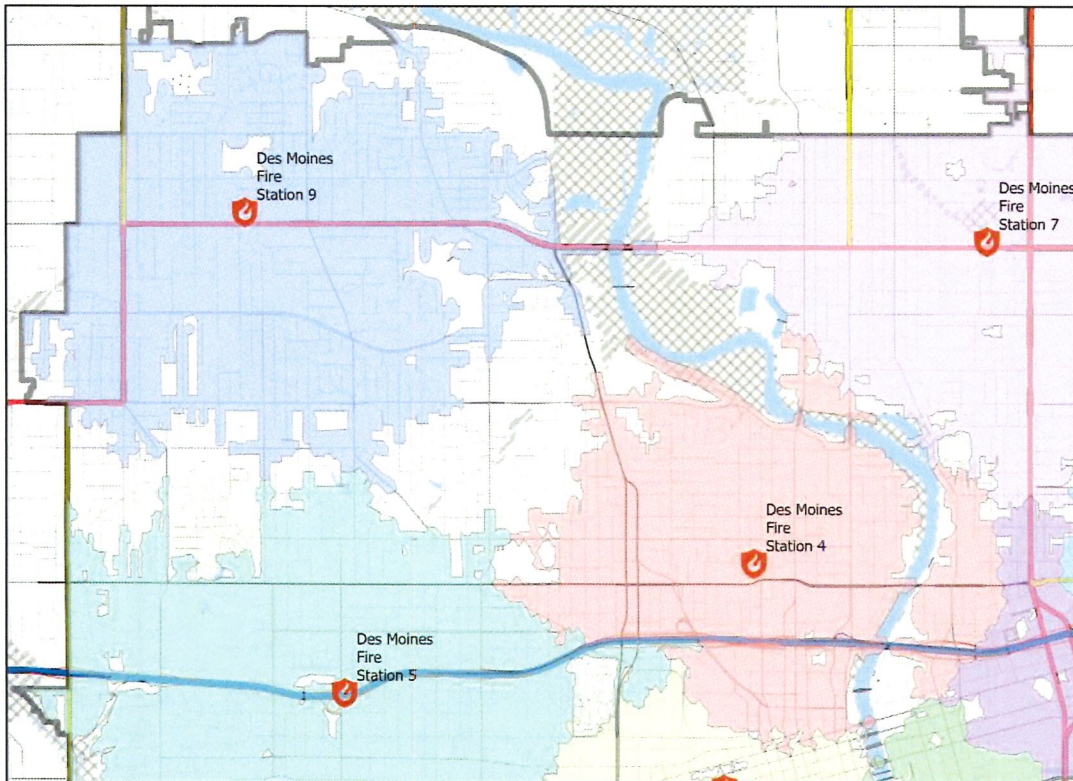




NEIGHBORHOOD MEETING

Background

Rationale for Site Selection



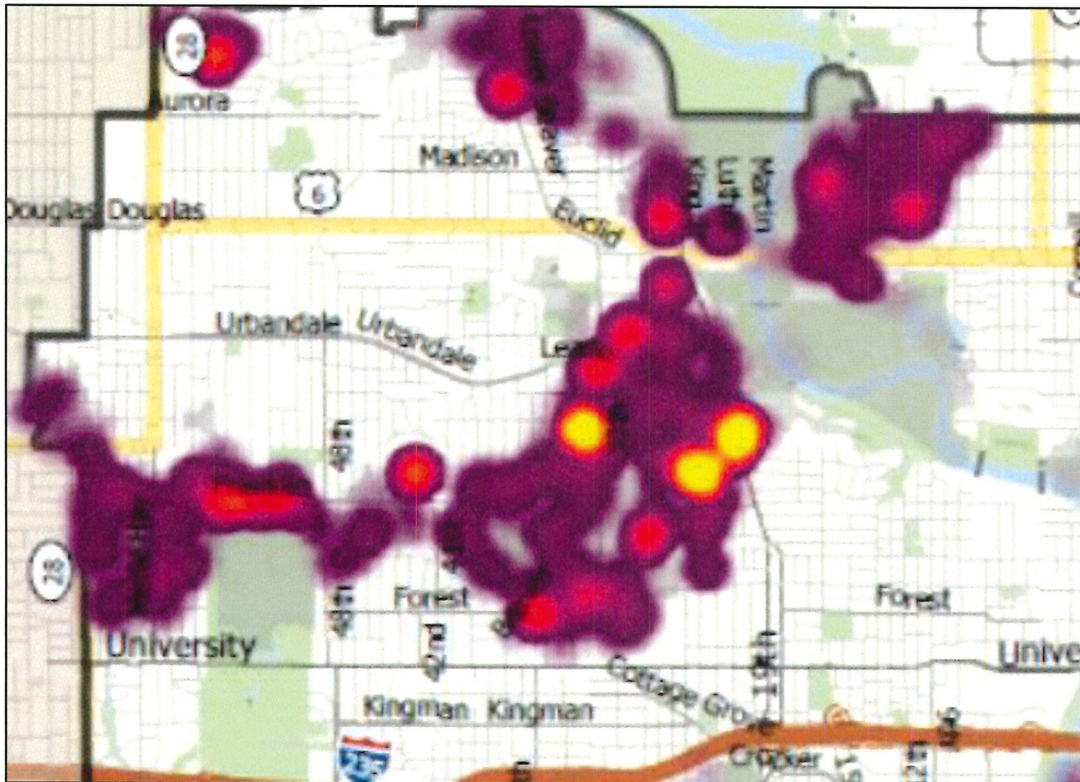
The Fire Department's goal is to strategically locate fire stations so that it can respond to a call for service in four minutes or less, 90% of the time. (This "service benchmark" aligns with national best practice promulgated by the National Fire Protection Association.)

The map on this slides illustrates current coverage capabilities in a 4.5-minute travel time from each station.

To meet the 4-minutes or less, 90% of the time benchmark, the department uses the 4.5-minute travel from a fixed facility metric when planning future station placement.

Background

Rationale for Site Selection

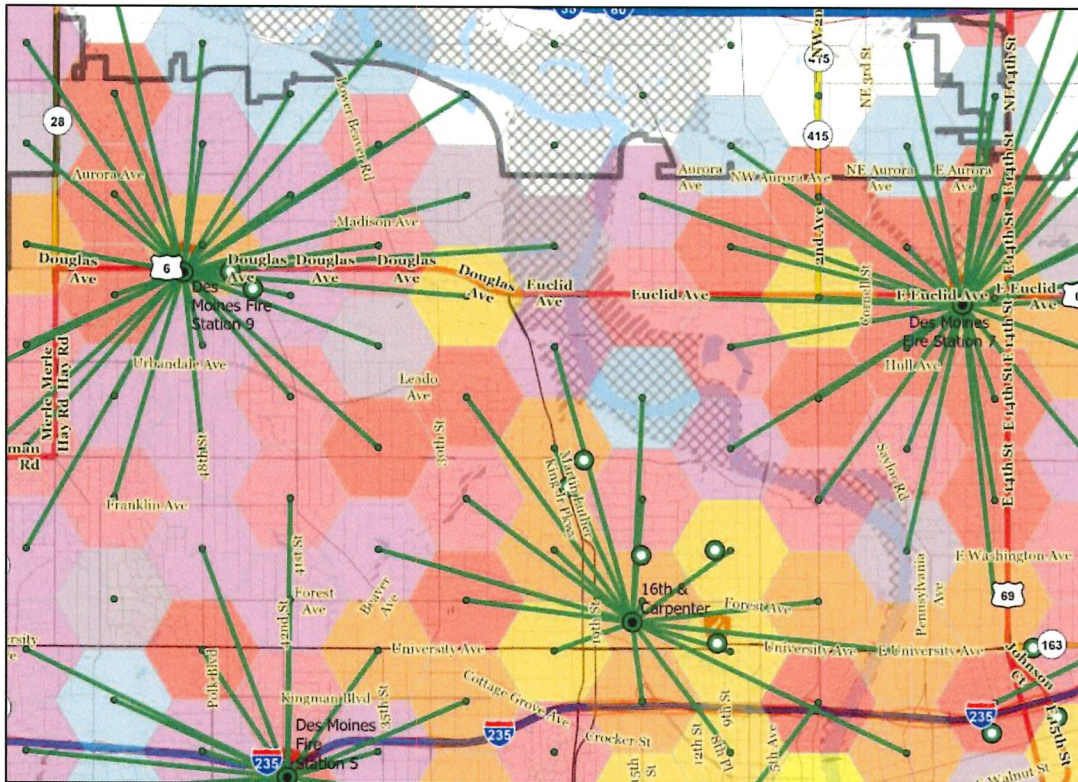


The map on this slide illustrates where incidents are occurring that can't be reached from a fire station within the 4-minute benchmark. This helps to understand where underserved areas of the City are located and the density of calls that occur in these areas.

One of the areas of greatest concern is located at the intersection of Beverdale, Prospect Park, and Drake Neighborhoods. This area sees a high density of calls, which in some instance have travel times exceeding 6-minutes.

Background

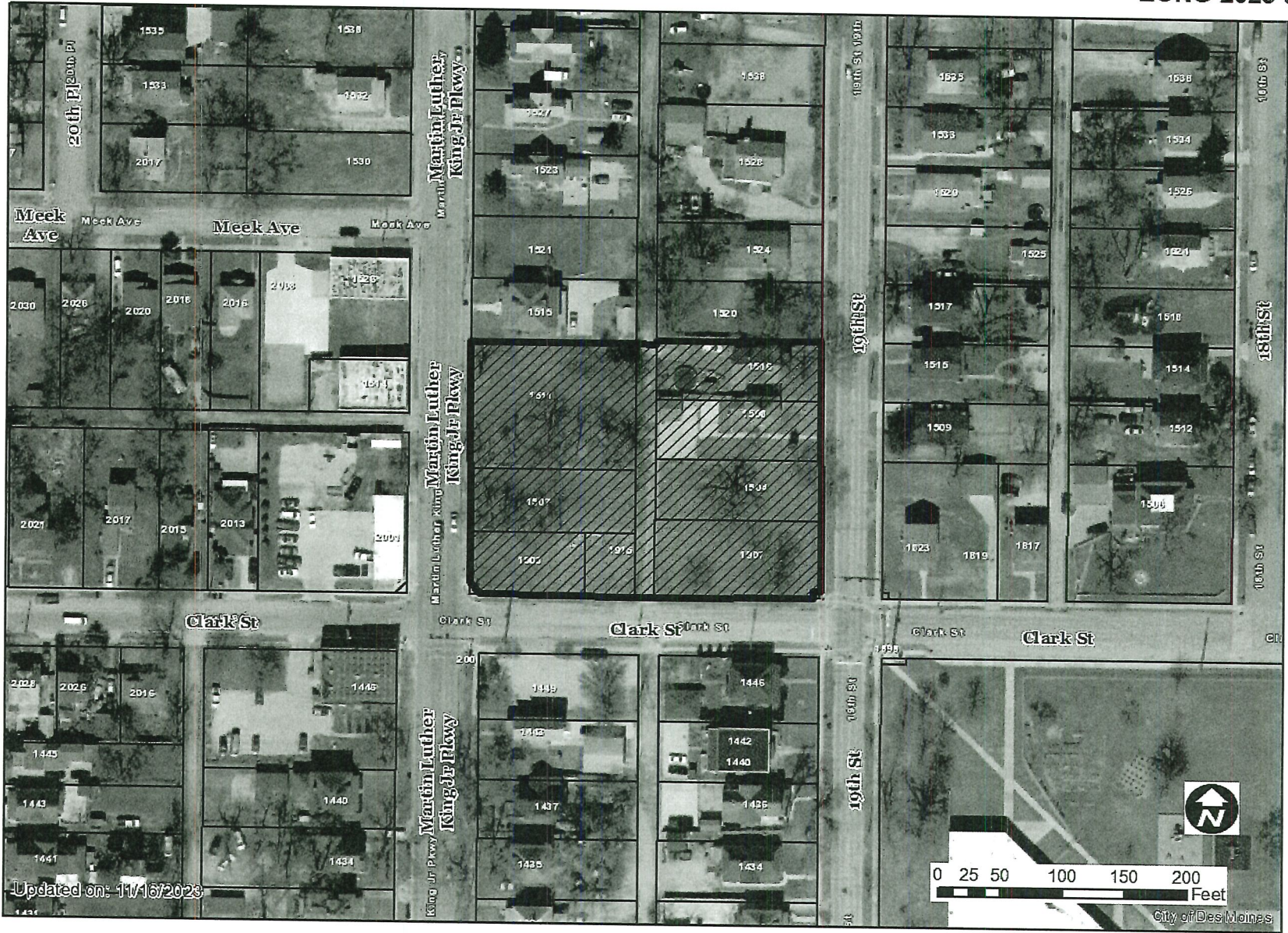
Rationale for Site Selection



The site for the relocated Station 4 was selected to:

1. Provided greater equity in service delivery by closing identified response gaps. (This requires moving Station 4 northwest of its current location.)
2. Minimize the number of residents, businesses, and structures displaced through site acquisition.
3. Provide access to major arterial streets to improve response times, particularly to the north and south.

It was determined that placing the new fire station on Clark Street, between 19th Street and Martin Luther King Jr. Pkwy. was best able to satisfy these criteria.



1 inch = 103 feet