

Date February 5, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM ELIM CHRISTIAN FELLOWSHIP OF DES MOINES (OWNER), REPRESENTED BY MICHAEL K HURST (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 525 EAST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 11-0-1 in support of a motion finding the requested rezoning for Property located at 525 East 9th Street is not in conformance with the existing PlanDSM future land use designation of Public/Semi Public; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024 its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Elim Christian Fellowship of Des Moines (Owner), represented by Michael K Hurst (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 525 East 9th Street from Public/Semi-Public to Downtown Mixed Use; to rezone the Property from “P2” Public, Civic and Institutional District to “DXR” Downtown District, to allow renovation of an existing church building for a school and multiple household residential use, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

THE NORTH 100 FEET OF LOTS 9, 10, 11 AND 12 IN BLOCK 3 IN H. LYONS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

LOT 3 (EXCEPT THE WEST 4 FEET THEREOF) IN BLOCK 14 IN H. LYONS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on February 19, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.



Roll Call Number

Agenda Item Number

20

Date February 5, 2024

- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000074) (COMP-2023-000043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk

Date February 5, 2024

Agenda Item 20

Roll Call # _____

January 18, 2024

Communication from the City Plan and Zoning Commission advising that at their January 18, 2024 meeting, the following action was taken regarding a request from Elim Christian Fellowship of Des Moines (owner), represented by Michael K Hurst (officer), for the following regarding property located at 525 East 9th Street:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Public/Semi-Public to Downtown Mixed Use.
- C) Rezone the property from “P2” Public, Civic and Institutional District to “DXR” Downtown District, to allow renovation of an existing church building for a school and multiple household residential use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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 Part A) The requested “DXR” District be found not in conformance with PlanDSM Creating Our Tomorrow Comprehensive Plan future land use classification of Public / Semi Public.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use.

Part C) Approval of the request to rezone the property from “P2” Public, Civic, and Institutional District to “DXR” Downtown Mixed-Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “DXR” District be found not in conformance with PlanDSM Creating Our Tomorrow Comprehensive Plan future land use classification of Public / Semi Public.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from “P2” Public, Civic, and Institutional District to “DXR” Downtown Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to amend the future land use classification of the property to Downtown Mixed Use and to rezone the subject property to “DXR” Downtown District, to allow conversion of the existing church building to school and multiple-household residential uses for “Starts Right Here”.

Any future conversion, construction, or reuse of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.

2. **Size of Site:** 20,000 square feet (0.459 acres).
3. **Existing Zoning (site):** “P2” Public, Civic, and Institutional District.
4. **Existing Land Use (site):** The subject property contains an 18,676 square foot building most recently occupied for a Church use.
5. **Adjacent Land Use and Zoning:**

North – “P2”; Use are offices and surface parking lots.

South – “P2”, Uses are administrative offices and surface parking lots for the State of Iowa.

East – “P2”, Uses are administrative offices and surface parking lots for the State of Iowa.

West – “P2”; Use is Henry A. Wallace Agricultural Building for the State of Iowa

6. **General Neighborhood/Area Land Uses:** The subject property is located at the southeast corner of the Des Moines Street and East 9th Street intersection. The area consists of a mix of government administration, surface parking, and one- and two-household residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Historic East Village Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on December 29, 2023 and by mailing of the Final Agenda on January 12, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on December 29, 2023 (20 days prior to the public hearing) and January 8, 2024 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and 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 Historic East Village Neighborhood mailings were sent to Luke Dickens, PO Box 93904, Des Moines, IA 50393.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Additional Information:**
9. **Relevant Zoning History:** None
10. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Public / Semi Public
11. **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. **Additional Information:** “Starts Right Here” would operate a charter school with educational services within the basement and first floor sanctuary of the building, preserving the historic character of these spaces. These activities would include high school equivalency degree classes and tutoring. “Starts Right Here” is also proposing to add 17 dorm-type affordable studio apartments in the former church offices within the basement, first, and second floors of the building. These dwelling units would include private restrooms and sleeping areas but would not include kitchens. The existing church kitchen in the basement common space would be retained. There would also be one live-in supervisor apartment suite in the building.
2. **PlanDSM: Creating Our Tomorrow:** The applicant is proposing to rezone the subject property from “P2” District to “DXR” Downtown Mixed Use District. The Zoning Ordinance states that the “P2” District is 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. The Zoning Ordinance also states that the “DXR” District is intended for the mainly residential neighborhoods of the downtown surrounding the downtown, and across the rivers from downtown.

The existing Public / Semi Public designation is described as follows:

Public/Semi-Public

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

In order for the proposed rezoning to “DXR” District to be in conformance with PlanDSM, the future land use designation must be revised to Downtown Mixed Use. The proposed Downtown Mixed Use designation is described as follows:

Downtown Mixed Use

Allows mixed-use, high density residential uses and compact combinations of pedestrian oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections. Based on these designations, the proposed “DXR” District zoning would not be found in conformance with the Comprehensive Plan designation of Public/SemiPublic but would be found in conformance with the requested designation of Downtown Mixed Use.

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 before the expansion can be occupied by the proposed use.
4. **Drainage/Grading:** Any site plan for an area over 10,000 square feet would require compliance with the stormwater management requirements of the City Code. Any improvements over an acre in area would require submittal of a Storm Water Pollution Protection Plans (SWPPP) with approval by Iowa DNR.

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.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Carolyn Jenison made a motion for approval on the following:

Part A) The requested "DXR" District be found not in conformance with PlanDSM Creating Our Tomorrow Comprehensive Plan future land use classification of Public / Semi Public.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use.

Part C) Approval of the request to rezone the property from "P2" Public, Civic, and Institutional District to "DXR" Downtown Mixed-Use District.

THE VOTE: 11-0-1 (Andrew Lorentzen abstained)

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

Elim Christian Fellowship of Des Moines, 525 East 9th Street

ZONG-2023-000074



Updated on: 12/14/2023

City of Des Moines

1 inch = 92 feet



DES MOINES ST
1000 W




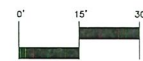


This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be consulted by nature only. Property boundaries, setbacks, easements, topography, utilities, structures and other physical features shown herein are based on the information available to the architect at the time of design. This document reflects a site plan concept only, and does not necessarily reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city input, site drainage, grading, and other factors that may impact final site design. This drawing shall not be used for construction or legally binding documentation. (C) Copyright 2023 by Simonson & Associates Architects, L.L.C.

525 E. 9th Street
Aerial Site Plan
Des Moines, Iowa

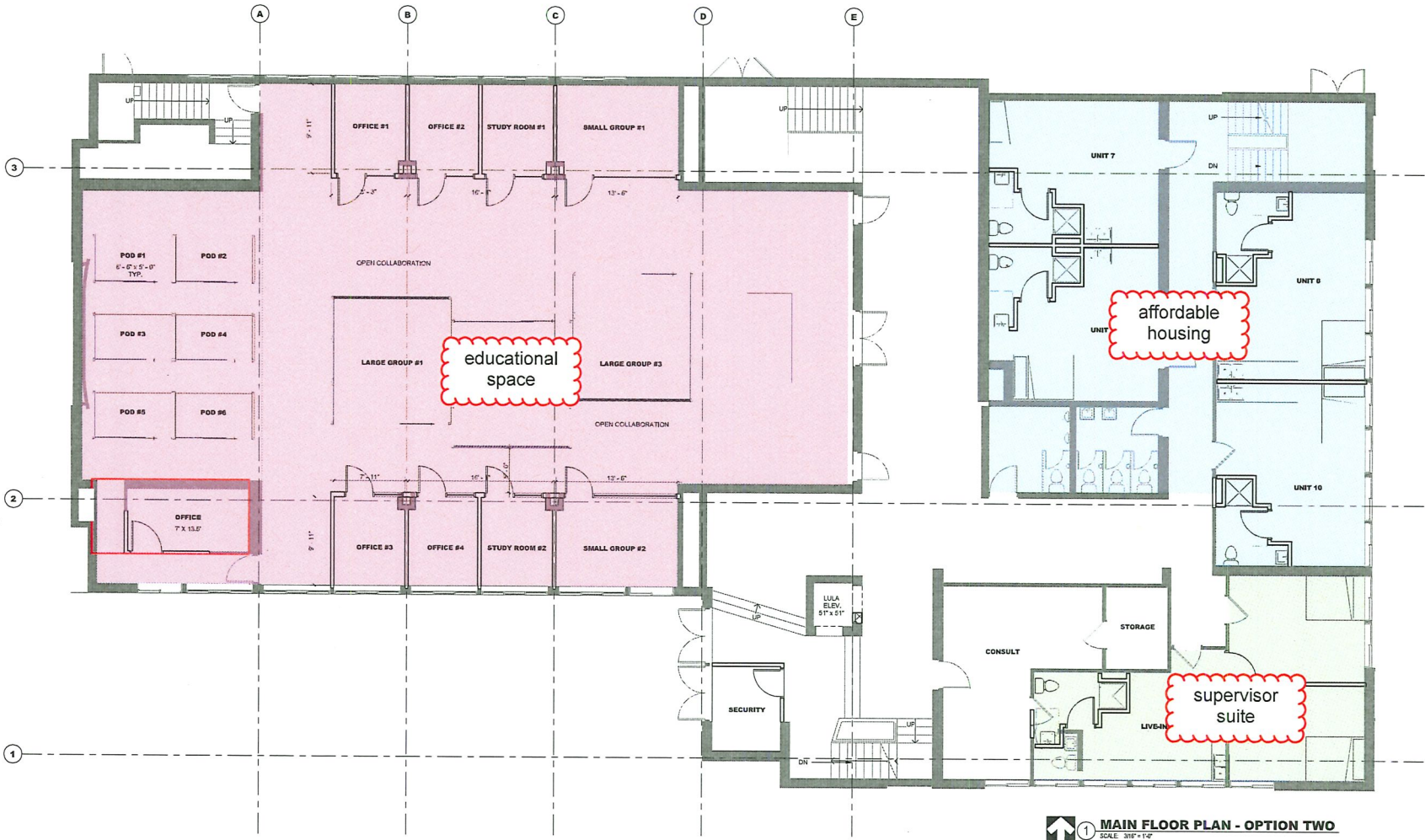
November 06, 2023

NORTH

 1" = 30'-0" @ 11"x17" Sheet
 SAA#
 DRAWN BY: AVG



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1 MAIN FLOOR PLAN - OPTION TWO
SCALE: 3/16" = 1'-0"



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STARTS RIGHT HERE
CENTRAL LUTHERAN CHURCH
DES MOINES, IA

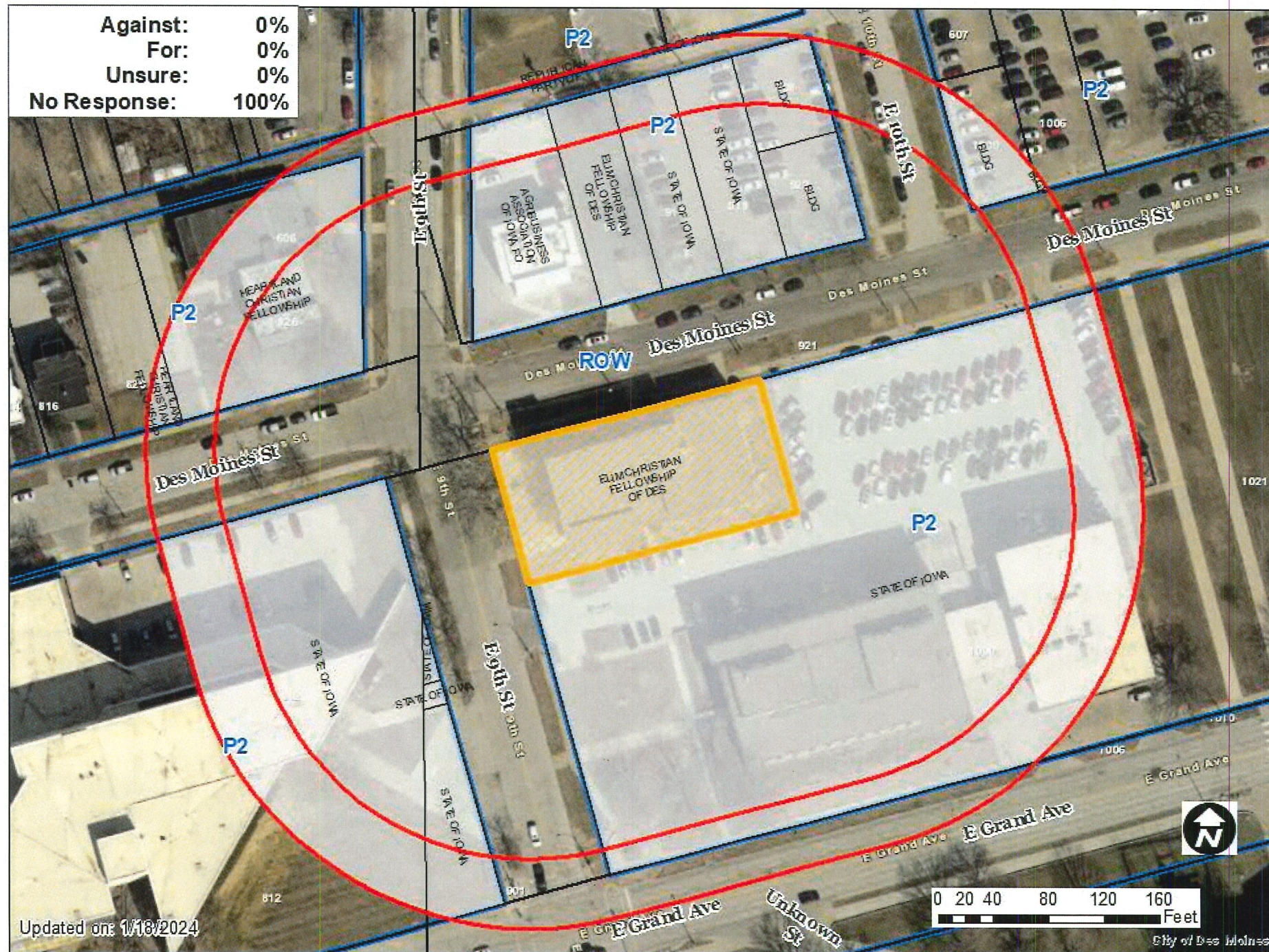
Rev.	Date	By	Checked

Proj. No. SAA Proj. Mgr.
23050 SP
Sheet Title
FLOOR PLAN - OPTION TWO
Sheet No.

A-105

NOT FOR CONSTRUCTION

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



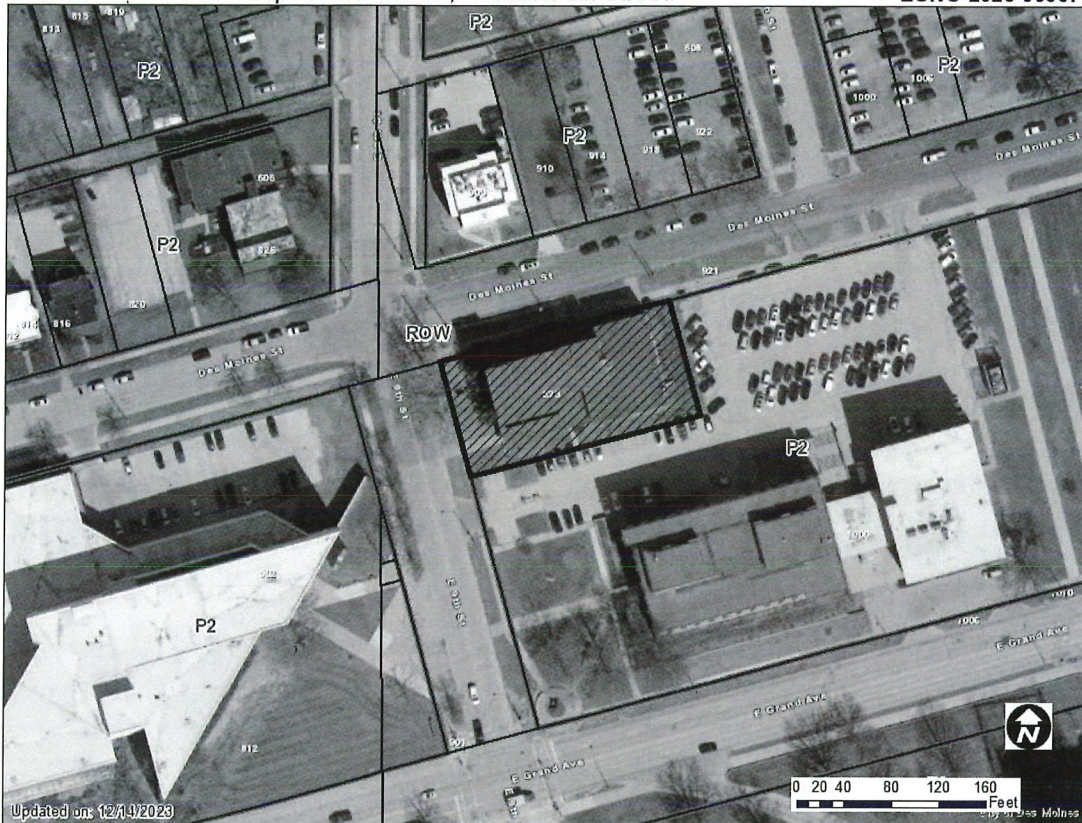
Updated on: 1/18/2024

1 inch = 92 feet

Meeting Minutes

Date	1/2/2024	Date of Issuance	1/3/2024
Project	525 E. 9th Street Rezoning		
Project No.	23050	File No.	J:\2023\23050 Starts Right Here, Central Lutheran Church - Des Moines, IA\REZONING
Present	Andy Lorentzen		
Distribution	The City of Des Moines		

On Tuesday, January 2, 2024, the required neighborhood meeting was held at 3:30 pm at the offices of Simonson + Associates, Architects, by Andrew Lorentzen. This meeting was attended by Bill Northey, CEO of the Agribusiness Association of Iowa, 900 Des Moines Street, across the street to the north. I presented the existing and proposed drawings, photographs of the existing condition, and the reason for the rezoning request – to allow the residential use (the educational use is allowed). Mr. Northey expressed that his members have good relationships with their neighbors, and would be interested in visiting with Will Keeps to hear from him personally about his mission and vision. Mr. Northey said that they would be glad to have the building maintained and occupied. We discussed the desire and need for security at the proposed Starts Right Here facility and Mr. Northey expressed interest in that topic as well. We explained that we will be restoring the building, and that no additions are planned. No changes to the plans were discussed.



1 inch = 92 feet