

Date February 19, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM IA9 DES MOINES, LLC (OWNER), REPRESENTED BY BRYAN SLAMA (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN VICINITY OF 1475 HART AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), for the proposed rezoning of three (3) parcels located in the vicinity of 1475 Hart Avenue, from “N1a” Neighborhood District to Limited “EX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer), to rezone the Property from “N1a” Neighborhood District to Limited “EX” Mixed Use District, to allow the development of self-storage and/or flex warehouse buildings, subject to the following condition:

1. No individual storage unit shall be less than 600 square feet in area; and

WHEREAS, the Property is legally described as follows:

LOT 28 (EXCEPT THE EAST 100 FEET THEREOF), LOT 29 AND LOT 30 (EXCEPT THE WEST 30 FEET THEREOF) IN CAPITOL VIEW ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on February 5, 2024, by Roll Call No. 24-0180, 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 February 19, 2024, 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

46

Date February 19, 2024

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N1a” Neighborhood District to Limited “EX” Mixed Use District, to allow the development of self-storage and/or flex warehouse buildings, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill
 Chas M. Cahill
 Assistant City Attorney

(ZONG-2023-000041) (COMP-2023-000068)

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

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

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 IA9 Des Moines, LLC (owner), represented by Bryan Slama (officer) for vicinity of 1475 Hart Ave.:

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 Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node.

C) Rezone property from "N1a" Neighborhood District to Limited "EX" Mixed Use District, to allow the development of self-storage and/or flex warehouse buildings, where no individual storage unit shall be less than 600 square feet.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi					X
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) Requested rezoning to Limited “EX” Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates this property as Low Density Residential within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node.

Part C) Approval of the request to rezone the property from “N1a” Neighborhood District to Limited “EX” Mixed-Use District, subject to the condition that any Self-Storage use shall have no individual storage unit that is less than 600 square feet in area.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning to Limited “EX” Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates this property as Low Density Residential within a Neighborhood Node.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “N1a” Neighborhood District to Limited “EX” Mixed-Use District, subject to the condition that any Self-Storage use shall have no individual storage unit that is less than 600 square feet in area.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to rezone the subject properties to Limited “EX” Mixed Use District to construct 3 warehouse buildings measuring 6,480 square feet, 19,440 square feet, and 8,640 square feet. The applicant has indicated that the buildings would likely be used for self-service storage or flex warehousing with self-storage units that shall be no smaller than 600 square feet.

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:** 113,382 square feet (2.6 acres).
- 3. Existing Zoning (site):** “N1a” Neighborhood District.
- 4. Existing Land Use (site):** The subject properties are undeveloped and used as agricultural land.

5. Adjacent Land Use and Zoning:

North – “N1a” & “PUD”; Uses are Stoney Pointe PUD, one-household residential and agricultural.

South – “CX-V”; Uses are commercial.

East – “N2b”; Uses are one-household residential and agricultural.

West – “MX3-V”; Uses are vacant and commercial (car wash).

6. **General Neighborhood/Area Land Uses:** The subject properties are located on the south side of Hart Avenue just east of the intersection of Hart Avenue and Southeast 14th Street. The surrounding area is a mix of commercial, one-household residential, multiple-household residential, and agricultural uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Easter Lake Area Neighborhood Association (ELANA) and within 250 feet of the South Central DSM Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on December 1, 2023 for the December 21, 2023 meeting of the Commission and on December 29, 2023 for the January 18, 2024 meeting of the Commission, and of the Final Agenda on December 15, 2023 for the December 21, 2023 meeting of the Commission and on January 12, 2024 for the January 18, 2024 meeting of the Commission.

Additionally, separate notifications of the hearing for this specific item were mailed on December 1, 2023 (20 days prior to the December 21, 2023 meeting of the Commission) and December 29, 2023 (20 days prior to the December 21, 2023 meeting of the Commission) and December 11, 2023 (10 days prior to the December 21, 2023 meeting of the Commission) and January 8, 2024 (10 days prior to the January 18, 2024 meeting of the Commission) 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 Easter Lake Area Neighborhood Association (ELANA) mailings were sent to Jim Bollard. The South Central DSM Neighborhood mailings were sent to Lisa Stocker-Ross.

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 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 Density Residential” within a Neighborhood Node to “Business Park” within a Neighborhood Node. PlanDSM describes these designations as follows:

Low Density Residential: Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

Business Park: Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller-scale businesses. Residential development including low-medium and medium densities may occur.

The subject property is currently zoned “N1a” Neighborhood Mix District which the Zoning Ordinance describes as, “intended for large lots for mostly single-household residential houses with a more flexible building form pursuant to House A building type in section 135-2.13 of this code.”

The applicant is proposing to rezone the property to “EX” Mixed-Use District which the Zoning Ordinance describes as, “intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices.” The applicant is additionally requesting the rezoning of the subject properties to a Limited “EX” Mixed-Use District where no individual storage unit shall be less than 600 square feet.

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.

Once the applicant submits a formal Site Plan, staff would conduct a full review. A quick analysis of the rezoning concept illustration provided by the applicant has identified a few elements that do not conform to Chapter 135 and may require Type 2

Design Alternatives from the Plan and Zoning Commission. These may include, but are not limited to, the following possible Design Alternatives:

- reduction of transparency requirements along Hart Avenue;
- reduction of building entrances along Hart Avenue;
- waiver of building facade materials; and,
- reduction of the minimum required occupied space along the primary frontage.

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) Requested rezoning to Limited "EX" Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates this property as Low Density Residential within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low Density Residential within a Neighborhood Node to Business Park within a Neighborhood Node.

Part C) Approval of the request to rezone the property from "N1a" Neighborhood District to Limited "EX" Mixed-Use District, subject to the condition that any Self-Storage use shall have no individual storage unit that is less than 600 square feet in area.

THE VOTE: 12-0

Respectfully submitted,

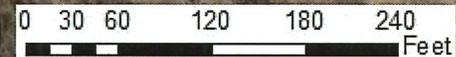


Jason Van Essen, AICP
Planning & Urban Design Administrator

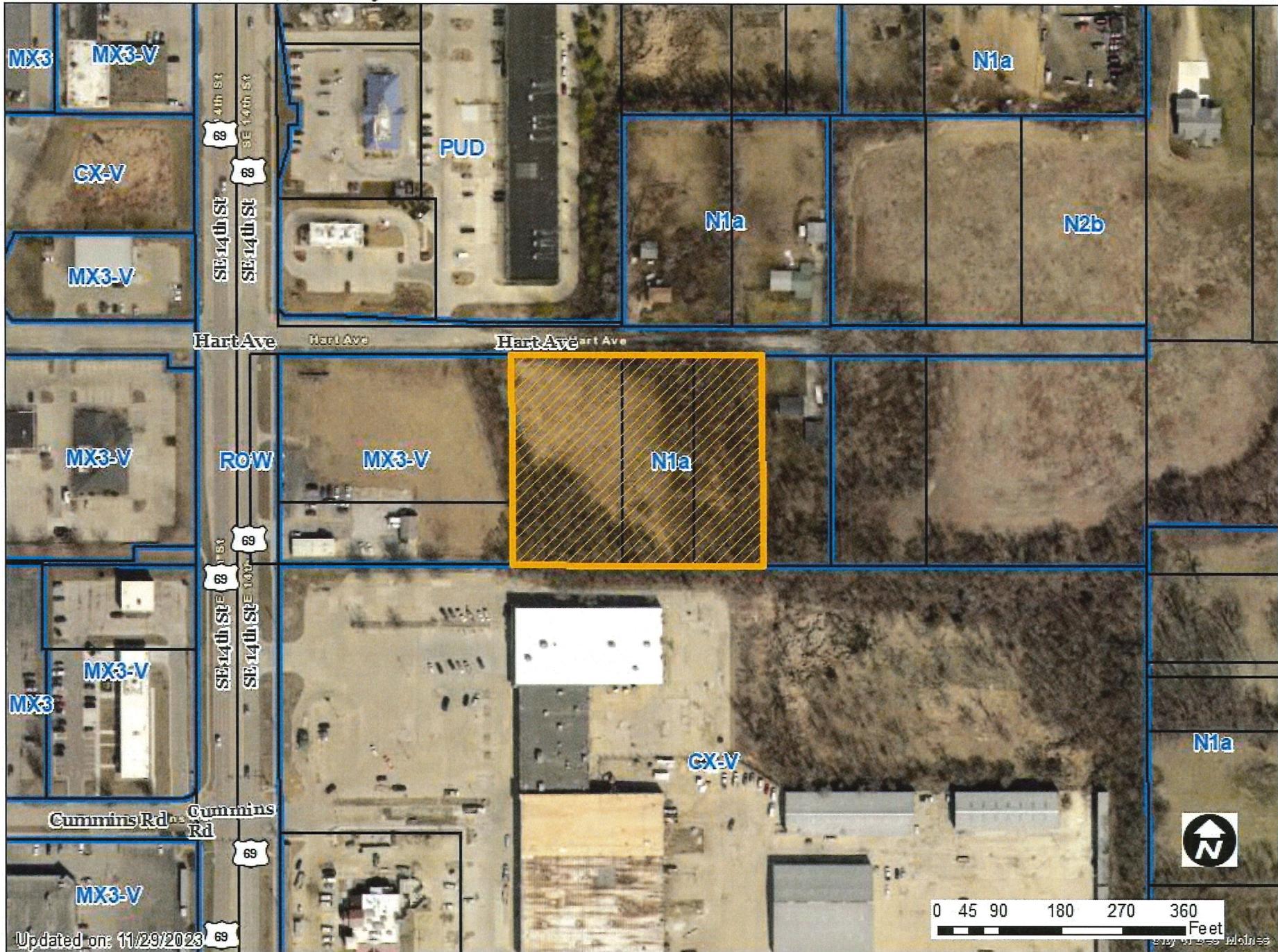
JMV:mrw



Updated on: 12/13/2023



1 inch = 118 feet





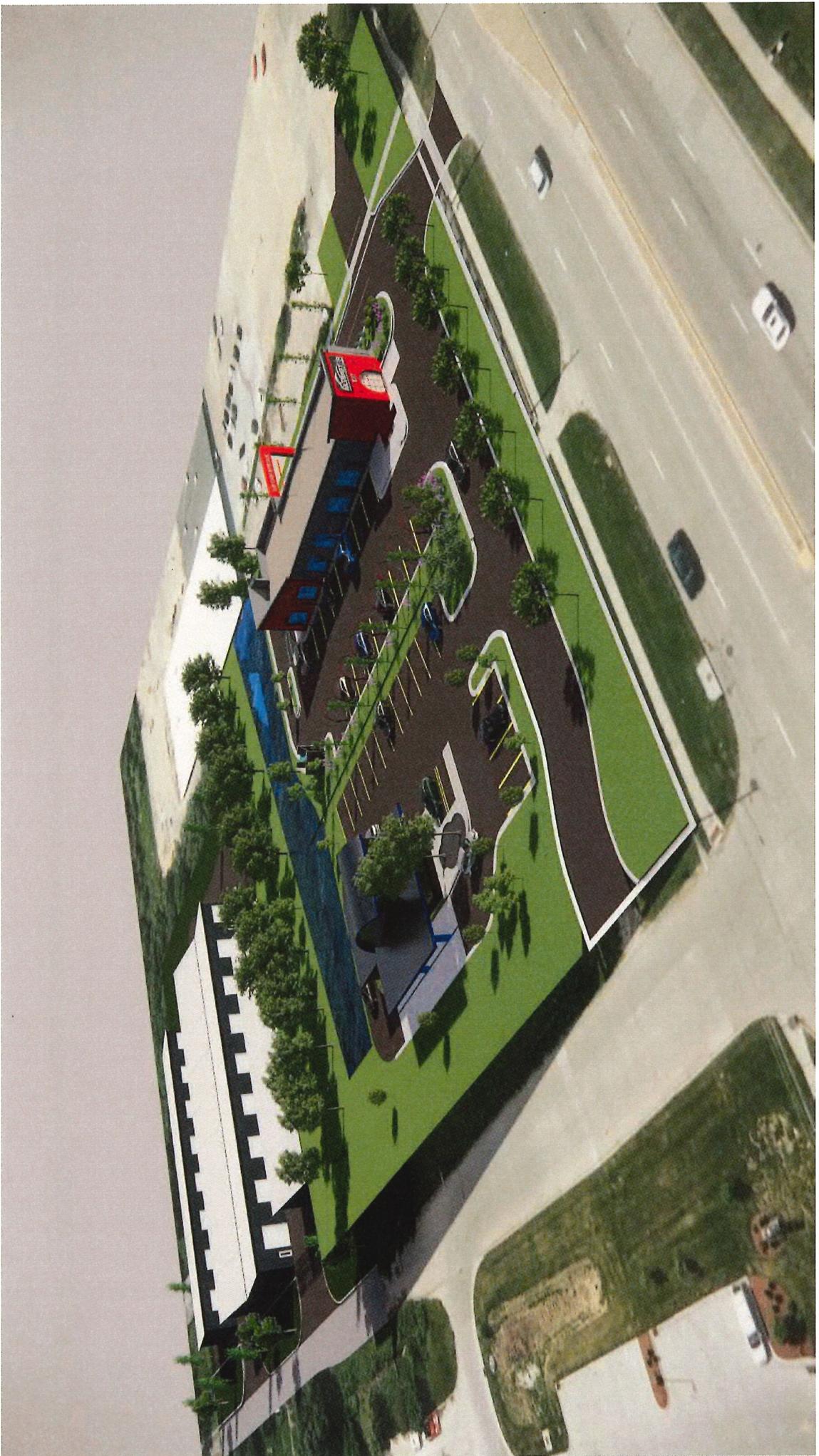
Dec 19, 2023 1:50:41 PM
1516 Hart Avenue
Des Moines
Polk County
Iowa



Dec 19, 2023 1:51:08 PM
5921 Southeast 14th Street

Des Moines
Polk County
Iowa

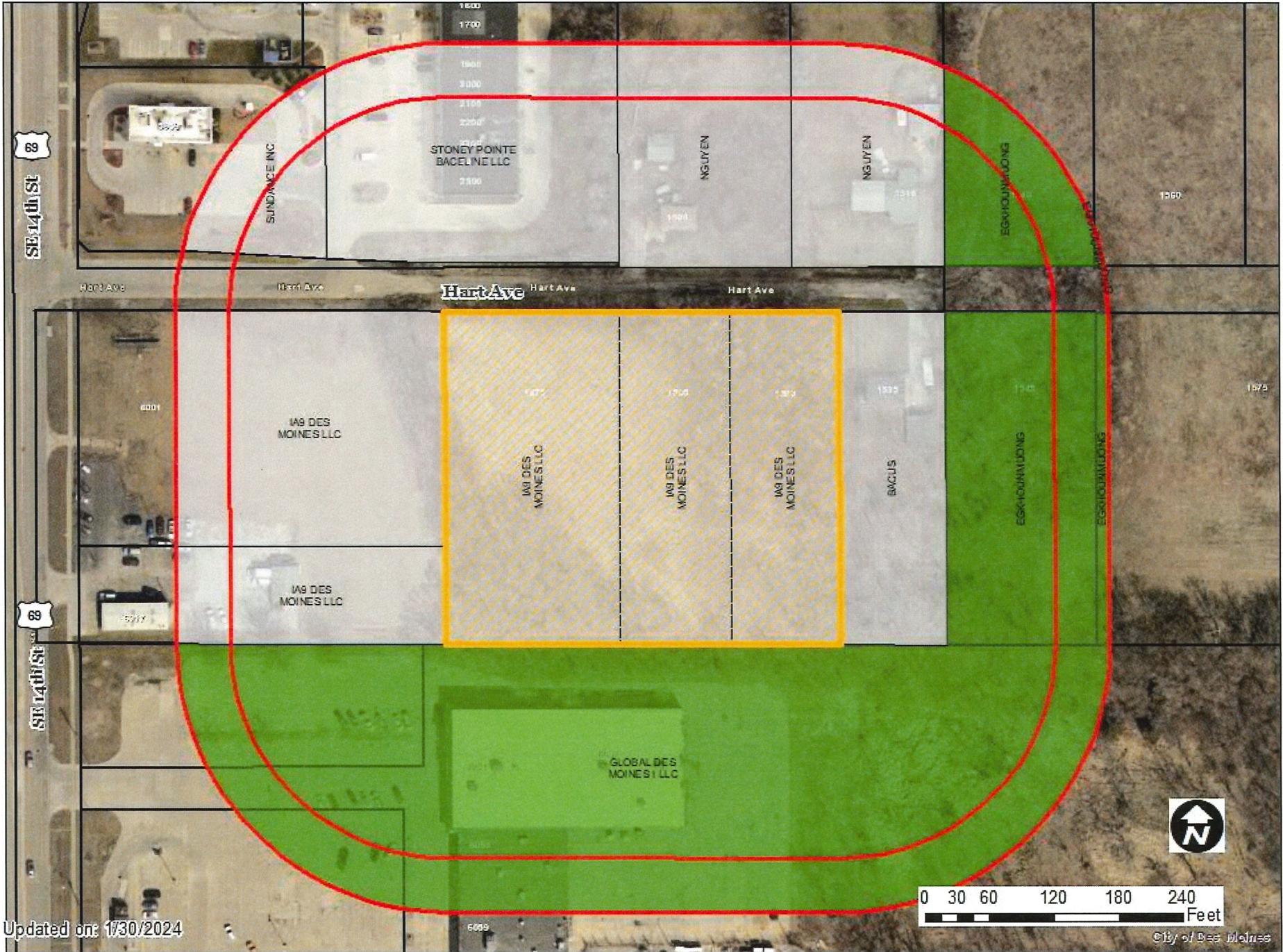






IA9 Des Moines, LLC, vicinity of 1475 Hart Avenue

ZONG-2023-000068



Updated on: 1/30/2024

1 inch = 118 feet

ZONG-2023-000068

Item: _____

Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 DEC 18 2023

Titleholder Signature: _____

B. J. Khannmuong

Name/Business: _____

Bounthieng J. EkKhannmuong (BJ)

Impacted Address: _____

1540 Hart Ave DSM IA 50321

Comments: _____

Concerned Road on Hart Ave is too narrow after Pass MX-3-V. Only fit one car travel on Hart Ave! NEED improvement Road from 1475 Hart (NAA) Thru the end of the Road

Ms. Chakraborty:

Global Building LLC (Global Des Moines I, LLC) previously emailed you an objection on December 21, 2023 regarding the rezoning request filed on behalf of IA9 Des Moines, LLC ("Applicant") as it relates to the properties locally known as 1475, 1505 and 1525 Hart Avenue, Des Moines, IA 50320. I am in receipt of the Applicant's letter of amendment to rezoning request, dated January 10, 2024, which identifies a restriction that no individual storage unit shall be less than 600 square feet. In light of the aforementioned letter of amendment to rezoning request, Global Building LLC (Global Des Moines I, LLC) hereby rescinds its objection to the subject rezoning request, and is in support of the rezoning request, as amended.

Thank you,

Global Des Moines I, LLC



Joe Zummo *President*

CA DEPARTMENT OF REAL ESTATE LICENSE #00973209



Main: (760) 634-1919 / Direct: (760) 330-2993 / Cell: (760) 803-0415 / Fax: (760) 634-2914

E-mail: jzummo@global-building.com / Web: www.global-building.com

Address: 1947 Camino Vida Roble / Suite 280 / Carlsbad CA / 92008

January 10, 2024

City of Des Moines
Attn: Sreyoshi Chakraborty, Senior City Planner
602 Robert D. Ray Dr.,
Des Moines, IA 50309
Via email to: *schakraborty@dmgov.org*

RE: Rezoning Request – 1475, 1505 and 1525 Hart Ave., Des Moines, IA

Dear Ms. Chakraborty:

I am writing you regarding the subject rezoning request as it relates to the above-referenced properties (collectively the “Property”) in which the undersigned applicant (“Applicant”) has previously submitted a Rezoning Application to rezone the Property from “N1a” Neighborhood District to “EX” Mixed Use District in order to construct three warehouse buildings to be used for self-storage, flex warehousing and contractors’ workshops. The subject rezoning request was previously set for public hearing with the Planning and Zoning Commission on December 21, 2023, which public hearing was continued to allow the Applicant to have correspondence with an objecting adjacent property owner, Global Building, LLC (“Global”).

On December 21, 2023, Global Building LLC submitted a written objection to the City of Des Moines regarding the Applicant’s rezoning request. The Applicant and Global have had discussions regarding the subject rezoning request and the Applicant has agreed to impose a restriction on the Property so that no individual storage unit shall be less than 600 square feet. By this correspondence, the undersigned requests that the Applicant’s Rezoning Application be amended to include the aforementioned restriction.

Thank you for your attention to this matter and please do not hesitate to contact the undersigned should you have any questions.

January 10, 2023

Page 2

Very truly yours,

IA9 Des Moines, LLC

By: 
Bryan Slama
bryan@mfp.lla

JB1/bm
Enc.

46

MEMORANDUM

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP
505 5th Ave., Suite 1005
Des Moines, IA 50309-4127
Phone: 515-243-8157
jtempleman@lolaw.com

TO: Sreyoshi Chakraborty – Sr. City Planner – Development Services
City of Des Moines
FROM: Joel B. Templeman
DATE: December 7, 2023
RE: Neighborhood Meeting – 1475, 1505 and 1525 Hart Ave.

The Neighborhood Meeting regarding the rezoning of the above-referenced property was held on December 6, 2023, at the South Side Des Moines Public Library located at 1111 SW Porter Ave., Des Moines, Iowa. The developer/ applicant mailed notices to the neighboring property owners (as identified by the City of Des Moines) on November 13, 2023, informing them of the time and place of the subject Neighborhood Meeting.

Present at the Neighborhood Meeting on behalf of the developer/ applicant were Graham Westra, TJ Nelson, and Joel Templeman. Bounthieng J. Egkhounmuong attended the meeting. Mr. Egkhounmuong owns the properties located at 1540, 1545, 1560, 1575, and 1580 Hart Ave.; 1625 and 1645 E Diehl Ave.; as well as the property identified as Parcel No. 120/03367-112-000. Mr. Egkhounmuong informed the developer/applicant that he does not have any objection to the proposed rezoning, or the use proposed for the subject property. Mr. Egkhounmuong communicated that his biggest concern was the condition of Hart Ave. and whether or not the City of Des Moines had a long-term plan for improvements for Hart Ave.

None of the other adjoining property owners who were previously mailed notice attended the Neighborhood Meeting.

