



Date May 20, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM GT PORTFOLIO IA, LLC (OWNER), REPRESENTED BY THOMAS KUHN (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 1427 5TH AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL WITHIN A COMMUNITY NODE TO HIGH DENSITY RESIDENTIAL WITHIN A COMMUNITY NODE, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT, TO ALLOW RE-USE OF AN EXISTING BUILDING FOR SEVEN (7) RESIDENTIAL DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), for the proposed rezoning from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Community Node to High Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on April 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow re-use of an existing building for seven (7) residential dwelling units, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall be limited to no more than seven (7) dwelling units; and
2. Vehicular access to the Property for a multiple-household residential use shall only be allowed from the alleyway to the east; and
3. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and

WHEREAS, the Property is legally described as follows:

LOT 5, BATES ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK

Date May 20, 2024

COUNTY, IOWA AND LOCALLY KNOWN AS 1427 – 5TH AVE., DES MOINES, IA 50314.

WHEREAS, on May 6, 2024, by Roll Call No. 24-0654, 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 May 20, 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

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 Community Node to High Density Residential within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow re-use of an existing building for seven (7) residential dwelling units, subject to the conditions 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-2024-000009) (COMP-2024-000007)

 **Roll Call Number**

Agenda Item Number

43

Date May 20, 2024

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
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

April 19, 2024

Communication from the City Plan and Zoning Commission advising that at their April 18, 2024 meeting, the following action was taken for request from GT Portfolio IA, LLC (owner), represented by Thomas Kuhn (officer), for the following regarding property located at 1427 5th Avenue:

- 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 Community Node to High Density Residential within a Community Node
- C) Rezone property from “N5” Neighborhood District to “NX2” Neighborhood Mix District, to allow re-use of an existing building for seven (7) residential dwelling units.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-0 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 of Part A) the requested “NX2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Community Node.

Part B) Approval of PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential within a Community Node to High Density Residential within a Community Node.

Part C) Approval of the request to rezone the property from “N5” Neighborhood District to “NX2” Neighborhood Mix District, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall be limited to no more than seven (7) dwelling units.
2. Vehicular access to the Property for a multiple-household residential use shall only be allowed from the alleyway to the east.
3. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “NX2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Community Node.

Part B) Staff recommends that PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential within a Community Node to High Density Residential within a Community Node.

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “NX2” Neighborhood Mix District, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall be limited to no more than seven (7) dwelling units.
2. Vehicular access to the Property for a multiple-household residential use shall only be allowed from the alleyway to the east.
3. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the land use plan and rezone the subject property to “NX2” District in order to allow use of the property for a multiple-household use with up to seven (7) dwelling units. The existing structure previously contained 7 dwelling units but has lost non-conforming rights since it has been vacant for a period longer than 6 months. The building has been in disrepair and has been determined to be a public nuisance. The applicant is proposing interior renovations to the existing apartment building. The building is a historic structure built in the year 1906.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 0.19 acres (8,225.4 square feet).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The site currently houses a vacant structure that previously functioned as a multiple-household use with seven (7) dwelling units.
5. **Adjacent Land Use and Zoning:**
 - North* – “N5”; Use is a one family residential dwelling unit.
 - South* – ‘N5”; Uses are vacant parcels.
 - East* – “N5”; Uses are one household residential dwelling units.
 - West* – “N5”; Uses are two-family dwelling unit.
6. **General Neighborhood/Area Land Uses:** The subject property is at the northeast corner of intersection of 5th Avenue and Orchard Avenue. The surrounding area includes a mix of single-household, duplex, and multiple-household uses. It is in a block east of the 6th Avenue corridor and located within a designated future Community Node.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the River Bend Neighborhood Association. All neighborhood associations were notified of the April 18, 2024, public hearing by emailing of the Preliminary Agenda on March 29, 2024, and the Final Agenda on April 12, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on March 29, 2024 (20 days prior to the public hearing) and April 8, 2024 (10 days prior to the public hearing) to the River Bend Neighborhood Association and 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 River Bend Neighborhood mailings were sent to Kathy Hellstern, 803 Hickman Road, Des Moines, IA 50314.

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

8. **Relevant Zoning History:** The subject property previously contained a legal non-conforming use with 7 dwelling units in the “N5” District. As a result of being vacant for a period longer than 6 months, the property has lost the legal non-conforming status and does not conform to what is allowed in the zoning district.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The property is designated as Low Density Residential within a Community Node.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow:** The applicant is requesting that the future land use designation for the property be amended from “Low Density Residential within a Community Node” to “High Density Residential within a Community Node”. Plan DSM 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.

High Density Residential: Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.

Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The subject parcel is currently zoned “N5” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.”

The applicant is proposing to rezone the parcel to the “NX2” District. The Zoning Ordinance describes this district as, “intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.

Staff believes that the proposed High Density Residential designation is appropriate for this site since this multiple household building is an existing historic structure that was built and designed to accommodate such a use. Staff is supportive of revising the future landuse designation to High Density Residential and to rezone the property to “NX2” Neighborhood Mix District so long as the applicant complies with conditions of approval outlined in Section III of the Staff Report.

Staff believes that a maximum of seven (7) dwelling units within this property and the existing Flat building type would fit the character of this area and would not be detrimental to the health, safety and well-being of those residing in the building within the subject property and those in the surrounding neighborhood so long as the applicant complies with the conditions of approval. The subject property is within a designated future Community Node and within close proximity to the 6th Avenue mixed use corridor and a future Neighborhood Node.

- 2. Building Code Requirements:** This structure has been determined to be a public nuisance. Permits are required for repairs, but permits will not stay any legal action. This building may require protection by an automatic sprinkler system in accordance with Chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46.

Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code. These codes require accessible parking, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building.

- 3. Planning and Design Ordinance Requirements:** Any development must comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use. This Site Plan will ensure that all requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied. If the property is rezoned to the requested “NX2” District, the Site Plan would likely be reviewed against a “Flat” Building Type.

Should the requested rezoning be denied, the existing “N5” Neighborhood District zoning regulations would allow for a one-family dwelling unit only long as the site complies with all applicable site plan and design regulations of the City’s Planning and Design Ordinance.

SUMMARY OF DISCUSSION

Leah Rudolphi asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Emily Webb made a motion for the following:

Part A) Approval that requested "NX2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Community Node.


Part B) Approval that PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential within a Community Node to High Density Residential within a Community Node.

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "NX2" Neighborhood Mix District, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall be limited to no more than seven (7) dwelling units.
2. Vehicular access to the Property for a multiple-household residential use shall only be allowed from the alleyway to the east.
3. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.

THE VOTE 12-0-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

Item: ZONG-2024-000009

Date: 4-14-24

Please mark one of the following:

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

Staff Use Only

Titleholder Signature: Kathy Hellstern

Name/Business: River Bend Neighborhood Assn.

Impacted Address: River Bend Neighborhood

Comments: This building was built as a multi-family structure. It should have always been designated Nx2. We are excited to see it refurbished and adding units to our neighborhood in a building meant to support multi-family.

Item: ZONG-2024-000009

Date: 4/12/24

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
APR 23 2024

Titleholder Signature: *[Handwritten Signature]*

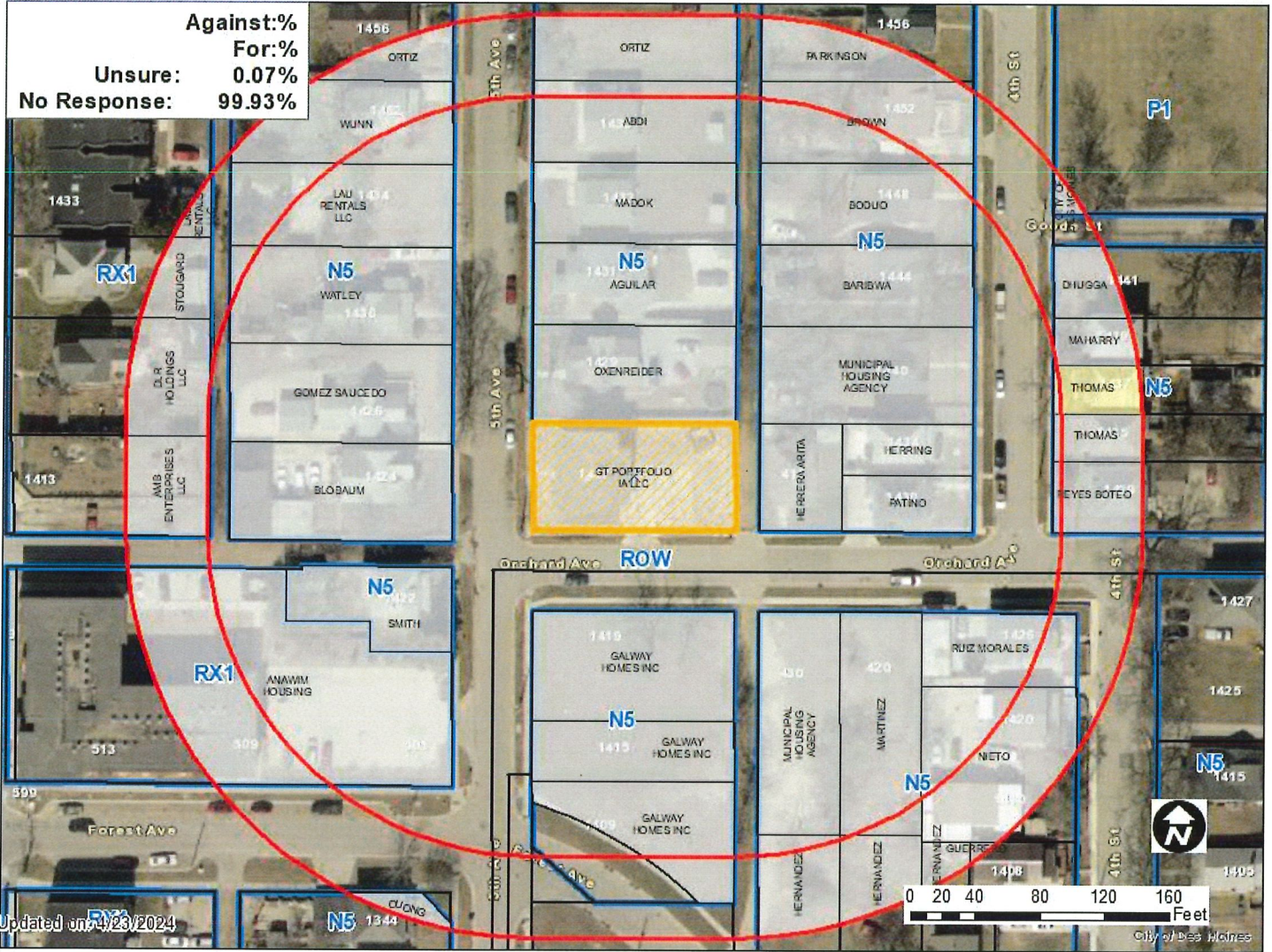
Name/Business: _____

Impacted Address: 1435-4TH ST

Comments: _____

GT Portfolio IA, LLC 1427 5th Ave

ZONG-2024-000009



Updated on 4/23/2024

1 inch = 78 feet









Dear Planning Staff,

On Tuesday, April 2nd, 2024, we held a neighborhood meeting at 1427 5th in relation to the zoning change to from the single family to multifamily, as the existing property is currently multifamily and non-conforming.

We provided mailers to all names on the mailing list provided by the City; 5 neighbors showed up to the meeting. Jasmine Brooks represented us to explain our intent: no physical changes to exterior, unit count, or the existing use – renovations only which is triggering this zoning requirement.

The attendees were:

- Kim El-Baroudi
- Mike Hildebrand
- Loulou Dickey
- Kathy Hellstern (President River Bend Association)
- Breann Bye

After explaining our project, and that there would be no changes to what is there now, the neighbors had no further concerns. Overall, they appear to support the project as it is part of their overall vision for the River Bend Community.

Thank you,

Thomas Kuhn
Property Owner

cc:\

Jasmine Brooks
Manager and Owner

Item: ZONG-2024-000009

Date: 4-14-24

Please mark one of the following:

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

Staff Use Only

Titleholder Signature: Kathy Hellstern

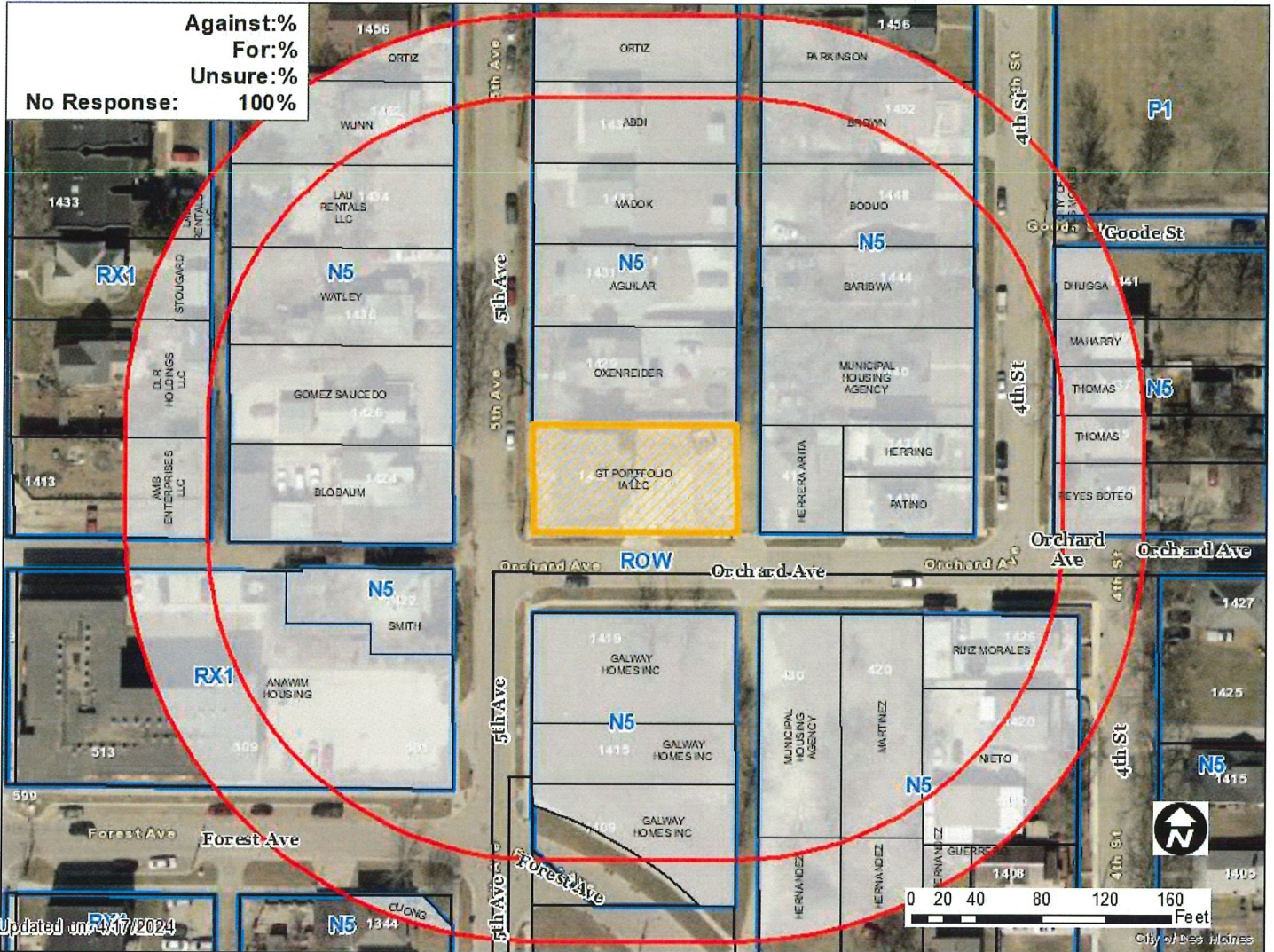
Name/Business: River Bend Neighborhood Assn.

Impacted Address: River Bend Neighborhood

Comments: This building was built as a multi-family structure. It should have always been designated Nx2. We are excited to see it refurbished and adding units to our neighborhood in a building meant to support multi-family.

GT Portfolio IA, LLC 1427 5th Ave

ZONG-2024-000009



1 inch = 78 feet