



Date June 3, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LAWNWOODS PROPERTY, LLC (OWNER), REPRESENTED BY LELAND HECKER (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3004 30TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), for the proposed rezoning from “N3b” Neighborhood District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential on the eastern portion of the subject property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 2, 2024, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Lawnwoods Property, LLC (Owner), represented by Leland Hecker (Officer), to rezone the Property from “N3b” Neighborhood District to “RX1” Mixed Use District to allow continued use of the property for a Business/Professional Office use; and

WHEREAS, the Property is legally described as follows:

THE EAST 180.0 FEET OF THE SOUTH 83.46 FEET OF LOT THIRTY-TWO (32) IN KINGMAN'S ORCHARD, AN OFFICIAL PLAT, MEASURED ON THE EAST LINE THEREOF, AND THE NORTH 16.54 FEET OF THE WEST 165.00 FEET OF THE EAST 180.00 FEET OF THAT PART OF VACATED ADAMS STREET LYING SOUTH AND ADJACENT TO SAID PARCEL; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on May 20, 2024, by Roll Call No. 24-0736, 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 June 3, 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



Roll Call Number

Agenda Item Number

34

Date June 3, 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 to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3b" Neighborhood District to "RX1" Mixed Use District, to allow continued use of the property for a Business/Professional Office use, 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-2024-000011) (COMP-2024-000008)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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 June 3, 2024

Agenda Item 34

Roll Call # _____

May 6, 2024

Communication from the City Plan and Zoning Commission advising that at their May 2, 2024 meeting, the following action was taken on request from Lawnwoods Property, LLC (owner), represented by Leland Hecker (officer), for the following regarding property located at 3004 30th 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 Low Density Residential to Neighborhood Mix Use
- C) Rezone property from "N3b" Neighborhood District to "RX2" Mixed Use District, to allow continued use of the property for a Business/Professional Office use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0-0 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 rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the requested rezoning from “N3b” Neighborhood District to “RX1” Mixed Use District instead of the requested “RX2” Mixed Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the requested rezoning from “N3b” Neighborhood District to “RX1” Mixed Use District instead of the requested “RX2” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The subject property contains an existing building that was built for, and continuously used for, office space. The property was rezoned from “C-0” Commercial-Residential District to “N3b” Neighborhood District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019, since PlanDSM’s future land use plan map designates the property as Low-Density Residential. The applicant is proposing to rezone the property to a commercial district so that office use would be a conforming use of the property.

Should the existing office use on the property lapse for a period longer than six (6) months or if there is a change in use, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by a new proposed use. Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.

- 2. Size of Site:** 0.41 acres (17,764 square feet).
- 3. Existing Zoning (site):** “N3b” Neighborhood District.
- 4. Existing Land Use (site):** The subject property contains a 6000-square foot, one-story office building.
- 5. Adjacent Land Use and Zoning:**

North – “N3b”; Use is one-household residential.

South – “N3b”; Uses are church, office, and a surface parking lot.

East – “N3b”; Uses are one-household and two-household residential.

West – “N3b”; Uses are multiple-household residential and a surface parking lot.

6. **General Neighborhood/Area Land Uses:** The subject property is located along 30th Street to the north of a commercial node centered at the intersections with Leado Avenue and Payne Road. It is within a quarter mile of a designated future Community Node. The uses along the 30th Street corridor include a mix of housing, office and religious uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Beaverdale Neighborhood Association and within 250 feet of the Prospect Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on April 12, 2024 and of the Final Agenda on April 26, 2024.

Additionally, separate notifications of the hearing for this specific item were mailed on April 12, 2024 (20 days prior to the public hearing) and April 22, 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 Beaverdale Neighborhood Association notices were sent to Dave Busiek, PO Box 30175, Des Moines, IA 50310. The Prospect Park Neighborhood Association notices were sent to Mark Gordon, 2400 26th Street, Des Moines, IA 50310.

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

8. **Relevant Zoning History:** The subject property was rezoned from “C-0” Commercial-Residential District to “N3a” Neighborhood District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.
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: PlanDSM Creating Our Tomorrow:** The applicant is requesting that the future land use designation of the subject property be revised from “Low Density Residential” to “Neighborhood Mixed Use”. PlanDSM describes this designation 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.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

The subject property is currently zoned “N3b” Neighborhood District. The Zoning Ordinance describes “N3b” district as, “intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code and House C in section 135- 2.15 of this code.”

The applicant has requested to rezone the subject parcel to the “RX2” Mixed Use District. The Zoning Ordinance describes “RX2” District as, “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1.”

The subject property is located along 30th Street in an area that includes a mix of housing types, offices, and religious/assembly uses. Staff acknowledges that the applicant was initially advised to seek an “RX2” Mixed Use District designation for the property. After further analysis, Staff believes that due to the character of the existing uses along the corridor and proximity to the residential uses, an “RX1” Mixed-Use District would be a more appropriate district. An “RX1” District allows an office use, while prohibiting slightly more intense uses permitted in the “RX2” District (such as a Assembly and Entertainment – Large use) that could negatively impact the adjacent uses.

The Zoning Ordinance describes “RX1” District as, “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low-scale neighborhoods.” Staff believes that this district is appropriate for the site and allows the applicant to continue using the building for an office use.

2. **Planning and Design Ordinance:** Should the existing use lapse over a period of six (6) months, the applicant would be required to prepare a Site Plan and building elevations for review and approval before the property can be occupied by a new proposed use. This Site Plan would ensure that all current requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Will Page made a motion for approval that A) the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential on the eastern portion of the subject property.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the requested rezoning from "N3b" Neighborhood District to "RX1" Mixed Use District instead of the requested "RX2" Mixed Use District.

THE VOTE 14-0-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Planning & Urban Design Deputy Administrator

BAD:mrw

Lawnwoods Property, LLC, 3004 30th Street

ZONG-2024-000011



Updated on: 4/11/2024

1 inch = 100 feet





Item: ZONG-2024-000011

Date: April 27, 2024

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAY 1 2024

Titleholder Signature: Karvelles L. Chambers

Name/Business: Karvelles L. Chambers

Impacted Address: 3012 30th Street Des Moines Ia 50310

Comments: We won't be able to get in our driveway to enter into our garage.

Item: ZONG-2024-000011

Date: 4-29-24

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT

APR 29 2024

Titleholder Signature: Doris Kimball

Name/Business: Doris Kimball

Impacted Address: 2900 Boston Ave, DSM 50310

Comments: Keep current zoning to
maintain quiet family neighborhood
status, where we have a non-busy,
safe place for kids to play without
lots of traffic and walking pets.

Item: ZONG-2024-000011

Date: 4/29/24

Please mark one of the following:

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

RECEIVED
COMMUNITY DEVELOPMENT
MAY 1 2024

Titleholder Signature: Rebecca Rupp

Name/Business: _____

Impacted Address: 3108 30th St 50310

Comments: Lot is already and historically
has been used as business/office since
I have lived in neighborhood (25+ yrs)

Item: ZONG-2024-000011

Date: 4-29-2024

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 1 2024

Titleholder Signature: Seland Hecker

Name/Business: Hecker Properties LLC

Impacted Address: 3004 30th

Comments: _____

Lawnwoods Property, LLC, 3004 30th Street

ZONG-2024-000011

