



Date July 15, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM MONSOON ASIANS & PACIFIC ISLANDERS IN SOLIDARITY (OWNER), REPRESENTED BY MIRA YUSEF (OFFICER), FOR PROPERTY LOCATED AT 1212 EAST 17<sup>TH</sup> COURT, TO REZONE THE PROPERTY FROM “N3A” NEIGHBORHOOD DISTRICT TO “RX1” MIXED USE DISTRICT, TO ALLOW RE-USE OF AN EXISTING DWELLING FOR AN OFFICE – PROFESSIONAL USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Monsoon Asians & Pacific Islanders in Solidarity (Owner), represented by Mira Yusef (Officer), for property located at 1212 East 17<sup>th</sup> Court, to rezone the property from “N3a” Neighborhood District to “RX1” Mixed Use District, to allow re-use of an existing dwelling for an office – professional use and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

**WHEREAS**, the Property is legally described as follows:

**LOT 14 AND, EXCEPT THE SOUTH 24.5 FEET, LOT 15, BLOCK 9, STALFORD & DIXON’S ADDITION, DES MOINES, POLK COUNTY, IOWA; and**

**WHEREAS**, on June 17, 2024, by Roll Call No. 24-0866, 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 July 15, 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 proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, 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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “N3a” Neighborhood District to “RX1” Mixed Use District, to allow re-use of an existing dwelling for an office – professional use, is hereby found to be in conformance with the PlanDSM: Creating



## Roll Call Number

.....

Agenda Item Number

65

Date July 15, 2024

Our Tomorrow Land Use Plan and 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-2024-000010)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	<div>CERTIFICATE</div> <div>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.</div> <div>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</div> <div>_____ City Clerk</div>
BOESEN					
SIMONSON					
VOSS					
COLEMAN					
WESTERGAARD					
MANDELBAUM					
GATTO					
TOTAL					
MOTION CARRIED					
APPROVED					
_____ Mayor					

June 7, 2024

Communication from the City Plan and Zoning Commission advising that at their June 6, 2024 meeting, the following action was taken on request from Monsoon Asians & Pacific Islanders in Solidarity (owner), represented by Mira Yusef (officer), for the following regarding property located at 1212 East 17<sup>th</sup> Court:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Rezone property from "N3a" Neighborhood District to "RX1" Mixed Use District, to allow re-use of an existing dwelling for an office – professional use.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0-0 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 in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Us.

Part B) Approval of the request to rezone the property from "N3a" Neighborhood District to "RX1" Mixed-Use District.



## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Use.

Part B) Staff recommends approval of the request to rezone the property from “N3a” Neighborhood District to “RX1” Mixed-Use District.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to change the use of an existing 1,136-square foot, one-household dwelling unit to an office and operational space for a small non-profit. The proposed use falls under the Commercial category and does not conform to what is allowed in the existing “N3a” zoning district. Should the rezoning be approved, a site plan will be required for a change in the use of the property that complies with applicable design regulations within City Code Chapter 135.
2. **Size of Site:** 7,533 square feet (0.17 acres).
3. **Existing Zoning (site):** “N3a” Neighborhood District.
4. **Existing Land Use (site):** The subject property includes a one-household dwelling unit.
5. **Adjacent Land Use and Zoning:**
  - North* – “N3a”; Uses are one-household residential.
  - South* – “MX1”; Uses are a small retail warehouse and surface parking lot.
  - East* – “MX1”, “N3a”; Uses are a vacant lot and one-household residential.
  - West* – “MX1”; Uses are a retail warehouse and surface parking lot.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of the East University Avenue corridor. It is located along a corridor that contains a mix of commercial, light industrial, and public uses. There are one-household uses to the north of the subject property.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Martin Luther King Junior Park Neighborhood. All neighborhood associations were notified of the public hearing by emailing the Preliminary Agenda on May 17, 2024 and of the Final Agenda on May 31, 2024.

Additionally, separate notifications of the hearing for this specific item were mailed on May 17, 2024 (20 days prior to the public hearing) and May 27, 2024 (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 Martin Luther King Junior Park Neighborhood Association notices were sent to Charice Williams, 1434 East 18<sup>th</sup> Street, Des Moines, IA 50316.

The applicant will 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:** Neighborhood Mixed Use.
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 area 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 future land use designation for the property is "Neighborhood Mixed Use". PlanDSM describes this designation as follows:

*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 "N3a" District. The Zoning Ordinance describes "N3a" as "intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code."

The applicant is proposing to rezone the subject property to the "RX1" District. The Zoning Ordinance describes "RX1" 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 the proposed rezoning to "RX1" District would be consistent with the Neighborhood Mixed Use future land use designation where small scale non-residential uses serve the immediate neighborhood. It is also consistent with the general character of the area and the existing commercial and light industrial uses

along the East University Avenue corridor. The office use is proposed to house two (2) full time employees and is not expected to generate traffic or have other adverse impacts on the immediate neighborhood.

2. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to prepare a site plan for any proposed additions or modifications.

Any future construction or development of the site including vehicular and pedestrian access and circulation must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

3. **Parking and Accessibility:** Any 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 where parking is provided, an accessible route from accessible parking to an accessible entrance, and accessible routes throughout the building.

Additionally, motor vehicle parking shall be provided in accordance with section 135-6 of the Planning and Design Ordinance. Minimum parking requirements for the project are 1 parking space per 400 sq. ft. for an office use. Staff notes that the subject property may not have enough space to accommodate parking needs. Any shared parking agreements or alternative parking arrangement options must be provided to staff during the site plan review process.

## **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:**

Emily Webb made a motion for approval for the following:

Part A) The requested rezoning be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Use.

Part B) On the request to rezone the property from "N3a" Neighborhood District to "RX1" Mixed-Use District.

## **THE VOTE 13-0-0**

Respectfully submitted,



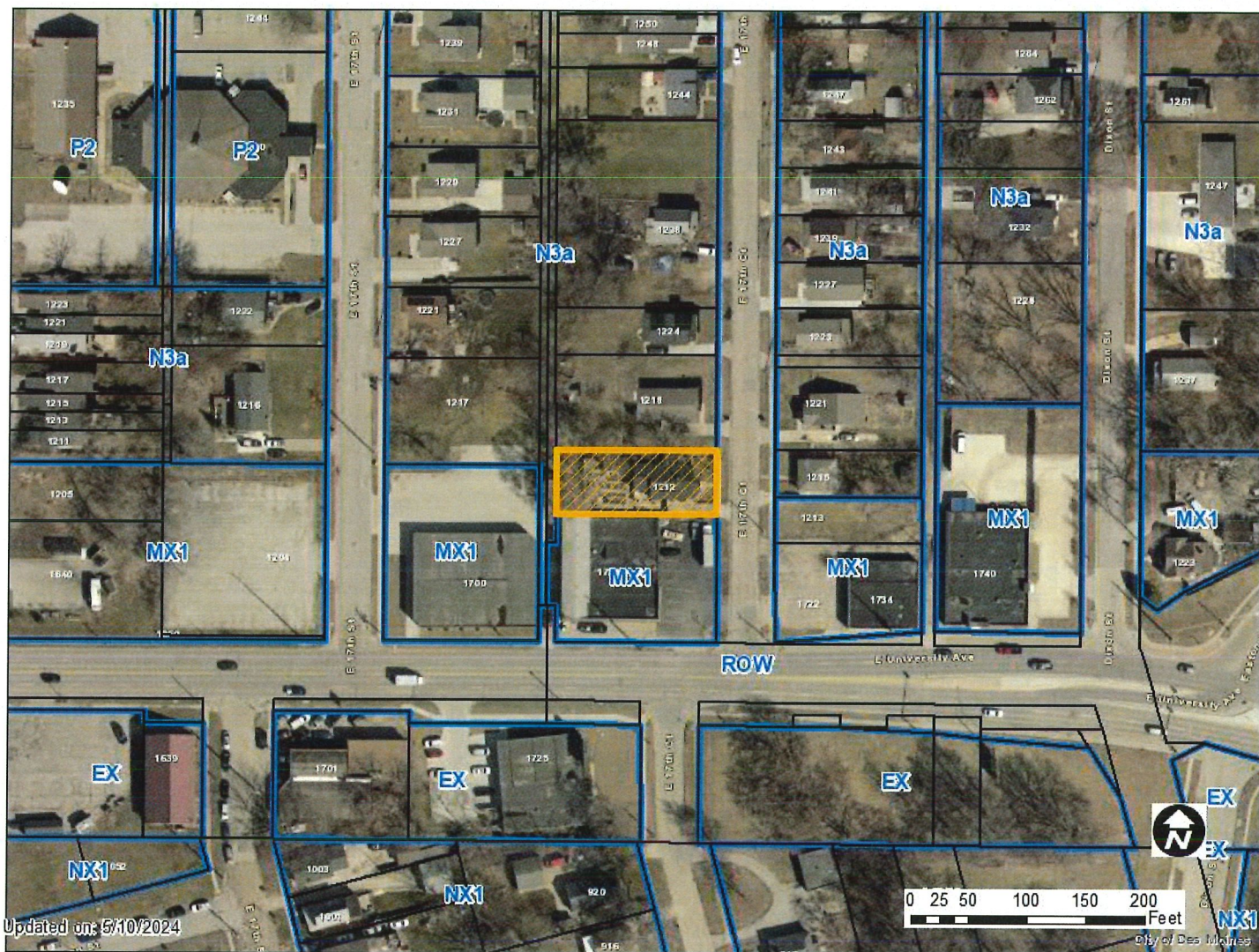
Planning & Urban Design Administrator

JMV:mrw



Monsoon Asians & Pacific Islanders in Solidarity 1212 East 17th Court

ZONG-2024-000010







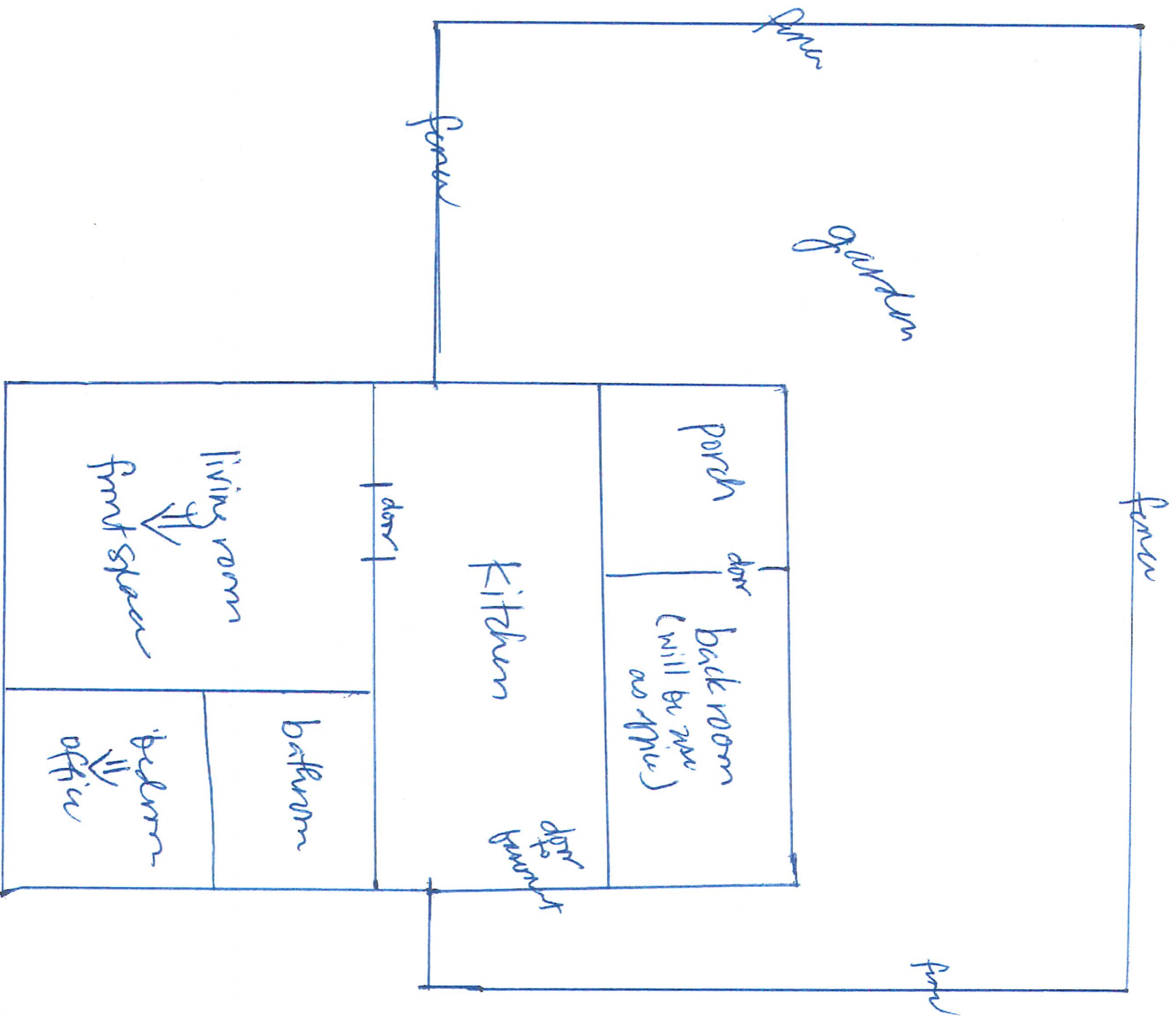




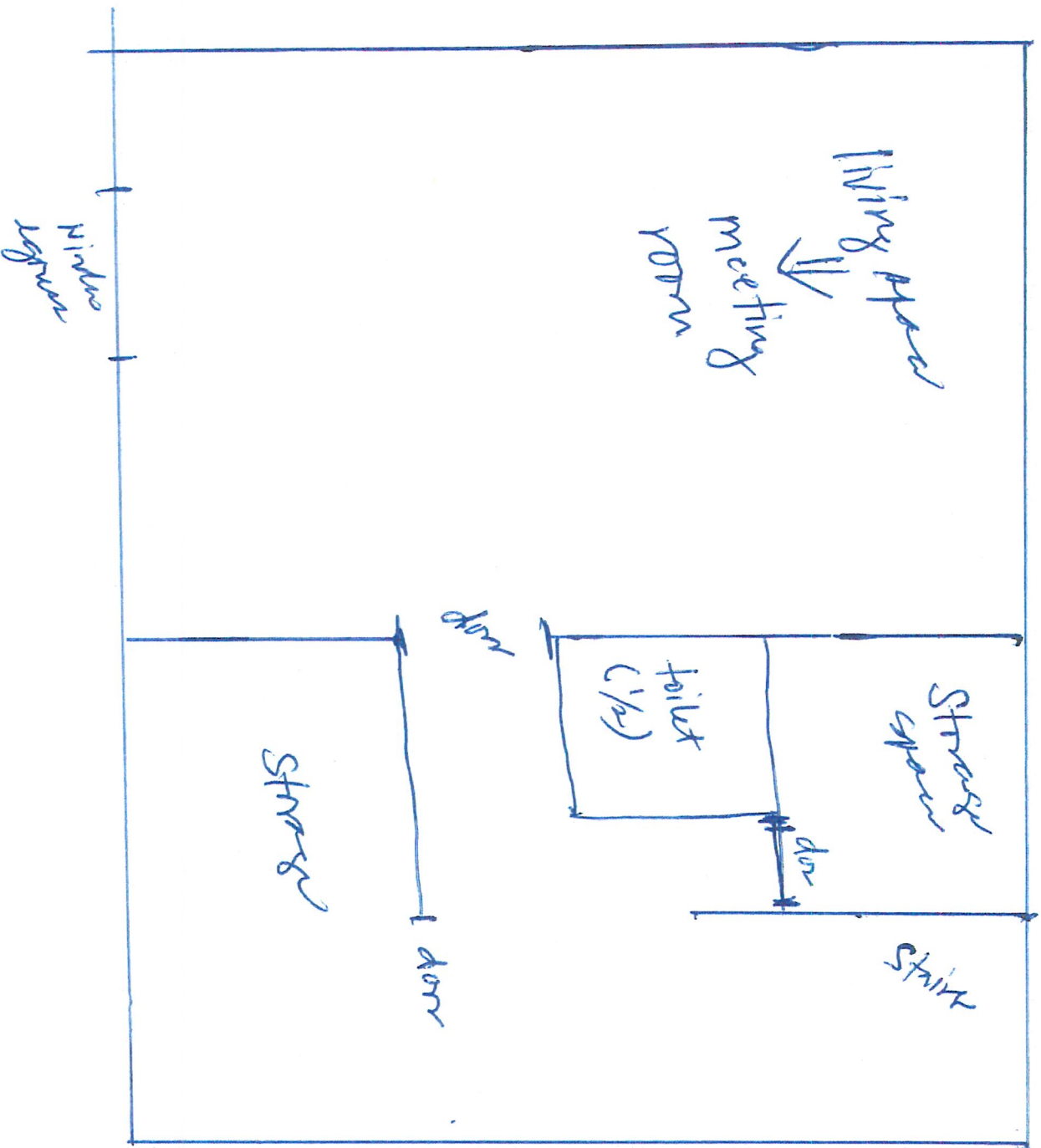




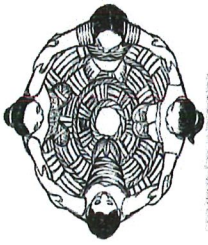




first floor



basement



## Monsoon Asians & Pacific Islanders in Solidarity

4944 Franklin Avenue Suite B

Des Moines, Iowa 50310

515.288.0881

515-277-7665 (fax)

[www.monsooniowa.org](http://www.monsooniowa.org)

[contact@monsooniowa.org](mailto:contact@monsooniowa.org)

65

May 13<sup>th</sup>, 2024

Greetings!

Monsoon Asians & Pacific Islanders in Solidarity, a community-based organization serving the Asians & Pacific Islander communities in Iowa, is inviting you to learn about our organization and to meet to discuss the proposed rezoning of our property at 1212 E. 17<sup>th</sup> Court, Des Moines to a commercial space.

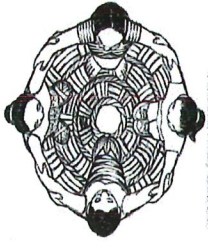
The meeting is scheduled at our property on **May 29<sup>th</sup>, Wednesday, from 4pm to 6pm.**

We are looking forward to meeting you!

Mira Yusef, MSW, MA

Executive Director





## Monsoon Asians & Pacific Islanders in Solidarity

4944 Franklin Avenue Suite B  
Des Moines, Iowa 50310  
515.288.0881  
515-277-7665 (fax)  
[www.monsooniowa.org](http://www.monsooniowa.org)  
[contact@monsooniowa.org](mailto:contact@monsooniowa.org)

June 5, 2024

**Re: ZONG-2024-000010 :: 1212 East 17th Court**

### Written Summary

Letters were delivered to neighbors of Monsoon Asians & Pacific Islanders in Solidarity's (hereby referred to as "Monsoon") property, at 1212 E. 17th Ct, Des Moines, IA 50316, notifying them of the proposed rezoning of the property from a residential to commercial space. The letter invited neighbors to learn about the organization and meet to discuss the proposed rezoning on Wednesday, May 29, 2024, from 4 pm to 6 pm at the property.

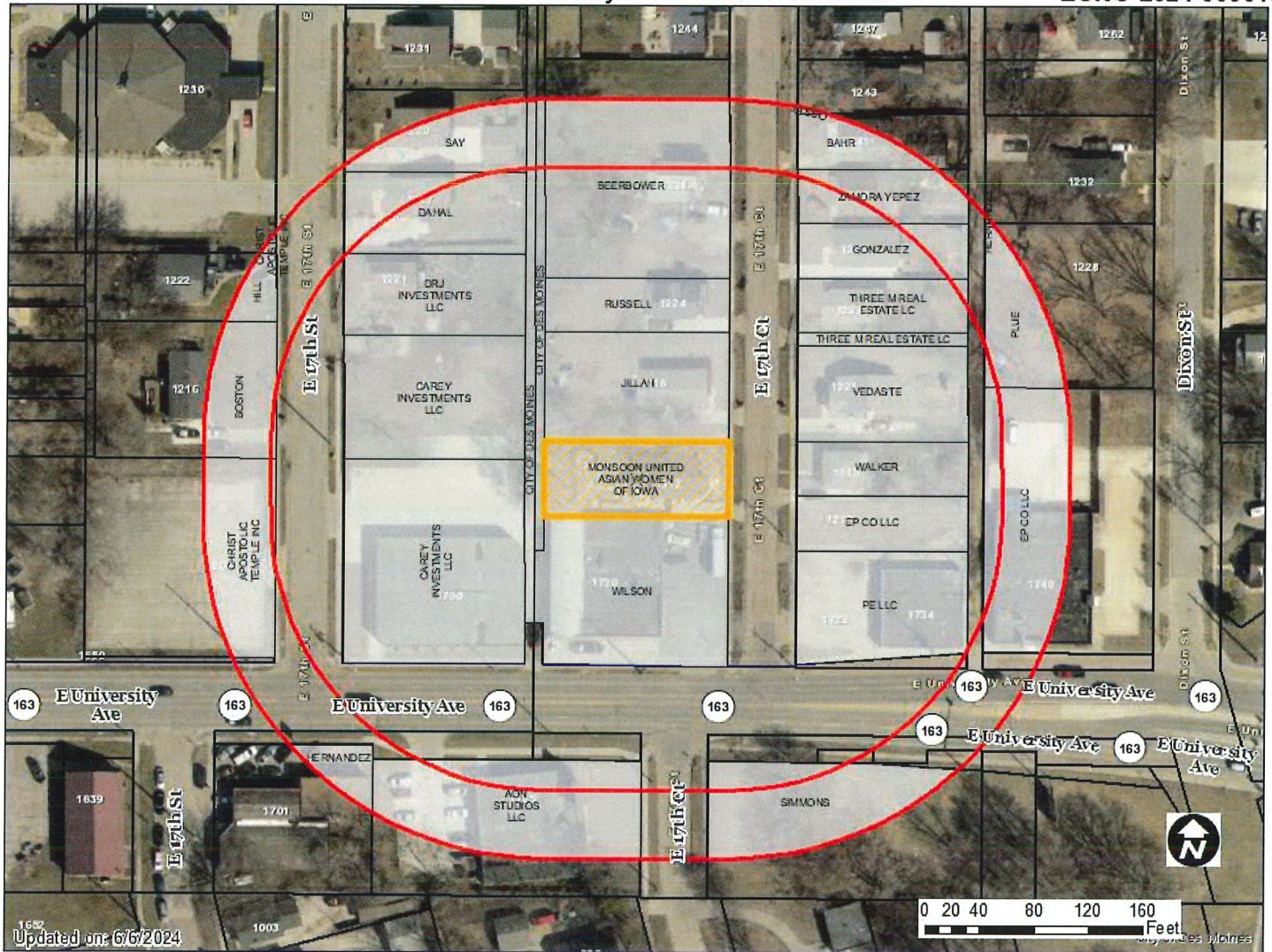
27 letters were mailed to the list of recipients provided by the Planning Staff via U.S. Postal Service Certified Mail on May 13, 2024. Of the 27 letters, six were returned with reasons of "refusal to sign," "unclaimed" or "unable to forward to address."

Two neighbors called with questions. Rob Feltz, owner of Elbert Painting or Pe LLC, of 1740 E. University Ave, Des Moines, IA 50316, contacted the organization on Thursday, May 16, 2024. Rob's commercial property is located catty-cornered from Monsoon's property. He was concerned the property would be torn down and rebuilt into a larger commercial space. His concerns were addressed, and he was happy to hear the organization would operate out of the property as is. He then extended an offer to allow usage of his property's large parking lot, since neighborhood parking is limited. Eunice Simmons, residing at 7702 Kings River Dr, Humble, Texas, 77346, contacted the organization on May 20th to request more information about our plans for the property. Upon learning about our organization and our services, she expressed gratitude for our existence.

No persons were present for the meeting on Wednesday, May 29. Monsoon will utilize Pe LLC's parking lot as needed as a result of neighbor meetings. No other changes will be made.

Monsoon Asians & Pacific Islanders in Solidarity 1212 East 17th Court

**ZONG-2024-000010**



1 inch = 93 feet