



Date October 7, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM RIVERVIEW DSM, LLC (OWNER), REPRESENTED BY DOUGLAS A WELLS (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 110 EAST COURT AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Riverview DSM, LLC (Owner), represented by Douglas A Wells (Officer), for the proposed rezoning from “P2” Public, Civic, and Institutional District to “DX2” Downtown District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Public/Semi-Public; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Riverview DSM, LLC (Owner), represented by Douglas A Wells (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Public/Semi-Public to Downtown Mixed Use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Riverview DSM, LLC (Owner), represented by Douglas A Wells (Officer), to rezone the Property from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow the existing building to be used for a mix of commercial uses; and

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

**ALL THAT PART OF VACATED ALLEYS, AND PART OF LOTS 4 AND 13 AND LOTS 1, 2, 3, 14, 15, 16 AND 17, BLOCK E, SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N15°16'29W, ALONG THE EAST RIGHT-OF-WAY LINE OF EAST 1ST STREET, 174.26 FEET; THENCE N74°38'18"E, 280.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF EAST 2ND STREET; THENCE SOUTH 15°14'50"E, ALONG THE WEST RIGHT-OF-WAY LINE OF EAST 2ND STREET; 174.25 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE S74°38'11"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST COURT AVENUE TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on September 16, 2024, by Roll Call No. 24-1245, 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 October 7, 2024, at 5:00 p.m., at the City Council Chambers; and



**Roll Call Number**

**Agenda Item Number**

50

Date October 7, 2024

**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 Public/Semi-Public to Downtown Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow the existing building to be used for a mix of commercial uses, 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-2024-000022) (COMP-2024-000017)

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

September 9, 2024

Communication from the City Plan and Zoning Commission advising that at their September 5, 2024 meeting, the following action was taken on a request from Riverview DSM, LLC (owner), represented by Douglas A Wells (officer) for the following regarding property located at 110 East Court 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 Public/Semi-Public to Downtown Mixed Use.
- C) Rezone the property from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow the existing building to be used for a mix of commercial uses.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	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 the following:**

Part A) The requested "DX2" District is 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 "DX2" Downtown Mixed-Use District.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested "DX2" 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 "DX2" Downtown Mixed-Use District.

**STAFF REPORT TO THE PLANNING COMMISSION**

**GENERAL INFORMATION**

- 1. Purpose of Request:** The subject property is currently zoned "P-2" Public, Civic, and Institutional District since the site was previously used for a Federal Courthouse use. Since the applicant has purchased the property from the Federal Government, they are proposing to amend the future land use classification of the property to Downtown Mixed Use and to rezone the subject property to "DX2" Downtown District, to allow interior remodel and re-use of an existing 4-story building for a mix of commercial and office spaces.

Proposed improvements include interior remodeling of the building's ground floor for four (4) tenant spaces to be used for restaurants and gymnasium space and a common lobby area. The upper three (3) floors would be used for office uses. Other building modifications may include alterations to existing doors, entrances, and the addition of patio spaces. No building additions are currently planned or proposed.

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 (Chapter 135 of City Code).

- 2. Size of Site:** 49,446.4 square feet (1.14 acres).

3. **Existing Zoning (site):** "P2" Public, Civic, and Institutional District.
4. **Existing Land Use (site):** The subject property contains a 48,804 square foot building previously occupied by the Federal Courthouse.
5. **Adjacent Land Use and Zoning:**
  - North* – "P2"; Use are Federal offices and surface parking lot.
  - South* – "P2", Uses are the Des Moines Police Station and a surface parking lot.
  - East* – "DX2", Uses are offices and non-accessory surface parking lot.
  - West* – "P1", "F"; Uses are City of Des Moines property and Des Moines River.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of East Court Avenue between East 1<sup>st</sup> and East 2<sup>nd</sup> Streets, just to the west of the Des Moines River. The area consists of a mix of government administration, offices, surface parking, and downtown-oriented mixed-uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Historic East Village Neighborhood. All recognized Neighborhood Associations were notified of the public hearing by email of the Preliminary Agenda on August 16, 2024 and Final Agenda on August 30, 2024. Additionally, an official public notice of the hearing for this specific item was mailed on August 26, 2024 (10 days before the hearing) and on August 16, 2024 (20 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

The applicant is required to hold a neighborhood outreach meeting prior to the public hearing and can provide a summary of such at the hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Public / Semi Public.
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. Additional Information:** Proposed improvements include interior remodeling of the building's ground floor for four (4) tenant spaces to be used for restaurants and gymnasium space and a common lobby area. The upper three (3) floors would be used for office uses. Other building modifications may include alterations to existing doors, entrances, and the addition of patio spaces. No building additions are currently planned or proposed.
- 2. PlanDSM: Creating Our Tomorrow:** The applicant is proposing to rezone the subject property from "P2" District to "DX2" 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 "DX2" District is intended for the mid-level intensity of activity in downtown, where storefronts, offices, and residences are mixed.

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 "DX2" 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 "DX2" District zoning would not be found in conformance with the Comprehensive Plan designation of Public/Semi-Public 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 building can be occupied by the proposed uses.

## **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:**

Carolyn Jenison made a motion of approval of the following:

Part A) The requested "DX2" District is 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 "DX2" Downtown Mixed-Use District.

## **THE VOTE 10-0**

Respectfully submitted,



Jason Van Essen  
Planning & Urban Design Administrator

JMV:mrw

Riverview DSM, LLC 110 East Court Avenue

ZONG-2024-000022



Updated on 8/14/2024









August 29, 2024

To Whom it May Concern,

This letter was written to inform the City of Des Moines about a Neighborhood Meeting that was held recently to discuss 110 E Court Avenue, and the rezoning permit Wells Porter Design is seeking for it.

A letter was mailed out on August 1, 2024, to each person or company listed on the mailing address we received from the City of Des Moines. A copy of that letter can be found on page 2 of this document.

The neighborhood meeting was held at 5:00 pm on August 8th, 2024, on site at 110 E Court Ave. A handout was created to give out to any meeting attendees and can be found on pages 3 and 4 of this document.

During the meeting there was one attendee besides the representatives from Wells Porter Design. We discussed the intended use for the building, how rezoning the site was the best way to allow the building to be reused, and had a tour of the building while explaining the use of each floor. All the feedback we received from the attendee was positive and there were no objections or design changes. The concept of the building having mixed use occupancies was very well received.

Sincerely,

A handwritten signature in black ink that reads 'Douglas Wells'. The signature is written in a cursive style and is followed by a horizontal line.

Doug A. Wells, AIA

515-321-5483

[dwells@wellsporterdesign.com](mailto:dwells@wellsporterdesign.com)



2200 Grand Ave Des Moines, Iowa

August 1, 2024

Dear Neighbor,

We invite you to join us for a Neighborhood Meeting on **August 8th at 5:00 pm** at 110 E Court Avenue to discuss the rezoning of 110 E Court Avenue from P2 Public, Civic, and Institutional use to DX2 for Storefront, Office, and Residential use.

We at Wells Porter Design have plans that outline how each floor of the building would be used and elevations that show the minimal changes that would be done that we would like to share with you. We are requesting the rezoning to allow the existing building to be repurposed from a governmental office building to a mixed use office building with restaurants on the main floor to help revitalize the downtown area.

Please RSVP if possible, to Elisabeth Ritchie at [eritchie@wellsporterdesign.com](mailto:eritchie@wellsporterdesign.com)  
We really hope you can join us and look forward to hearing from you.

Thank you!

A handwritten signature in black ink that reads 'Douglas Wells' followed by a horizontal line.

Doug A Wells, AIA

515-321-5483

[dwells@wellsporterdesign.com](mailto:dwells@wellsporterdesign.com)

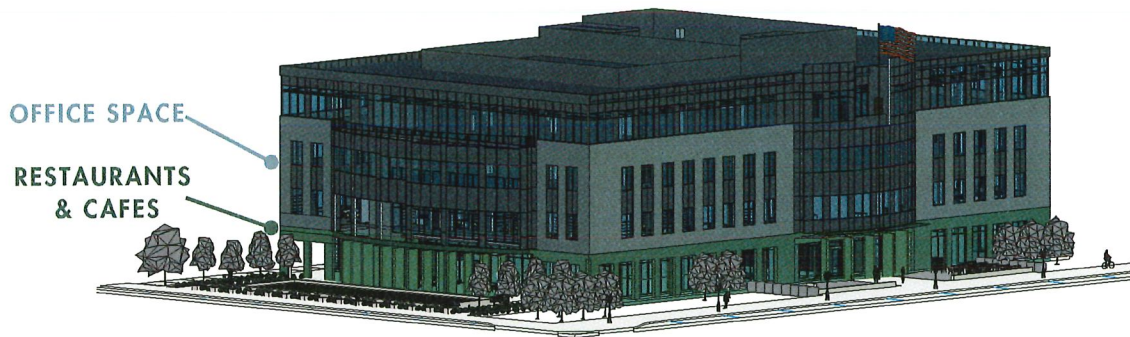
# RIVERVIEW BUILDING - NEIGHBORHOOD MEETING - 8/8/2024



**EXISTING BUILDING**

## HIGHLIGHTS

- Wells Porter Design is asking the City of Des Moines to rezone 110 E Court Avenue from Public/Civic Use to DX2
- The building is currently unused.
- Rezoning the building would allow the building to be reused and invite businesses to East Court Avenue.
- The building would be able to be used as office, restaurant, or other small business uses.



# RIVERVIEW BUILDING - NEIGHBORHOOD MEETING - 8/7/2024



## INFORMATION

Wells Porter Design is requesting 110 E Court Avenue be rezoned from P2-Public/Civic Use to DX2 for downtown commercial use to allow the building to be reused as a mixed use office building with restaurants on the main level. We believe repurposing this building will help revitalize East Court Avenue.

110 E Court Avenue was previously used as the US Federal Courthouse Annex and held courtrooms and offices. Since they moved out the building has been empty and rezoning the site would allow for other businesses and people to use the existing building. Our hope is that the building will be used by businesses as office space and restaurants for locals to visit. We are proposing to do minimal changes to the exterior that will match the character and materials of the existing building and allow more tenants to use the building.

Item: ZONG-2024-000022

Date: 8-29-24

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 SEP 5 2024

Titleholder Signature: \_\_\_\_\_

*dwells*

Name/Business: \_\_\_\_\_

**RIVERVIEW DSM, LLC**

Impacted Address: \_\_\_\_\_

**110 E. COURT**

Comments: \_\_\_\_\_

\_\_\_\_\_

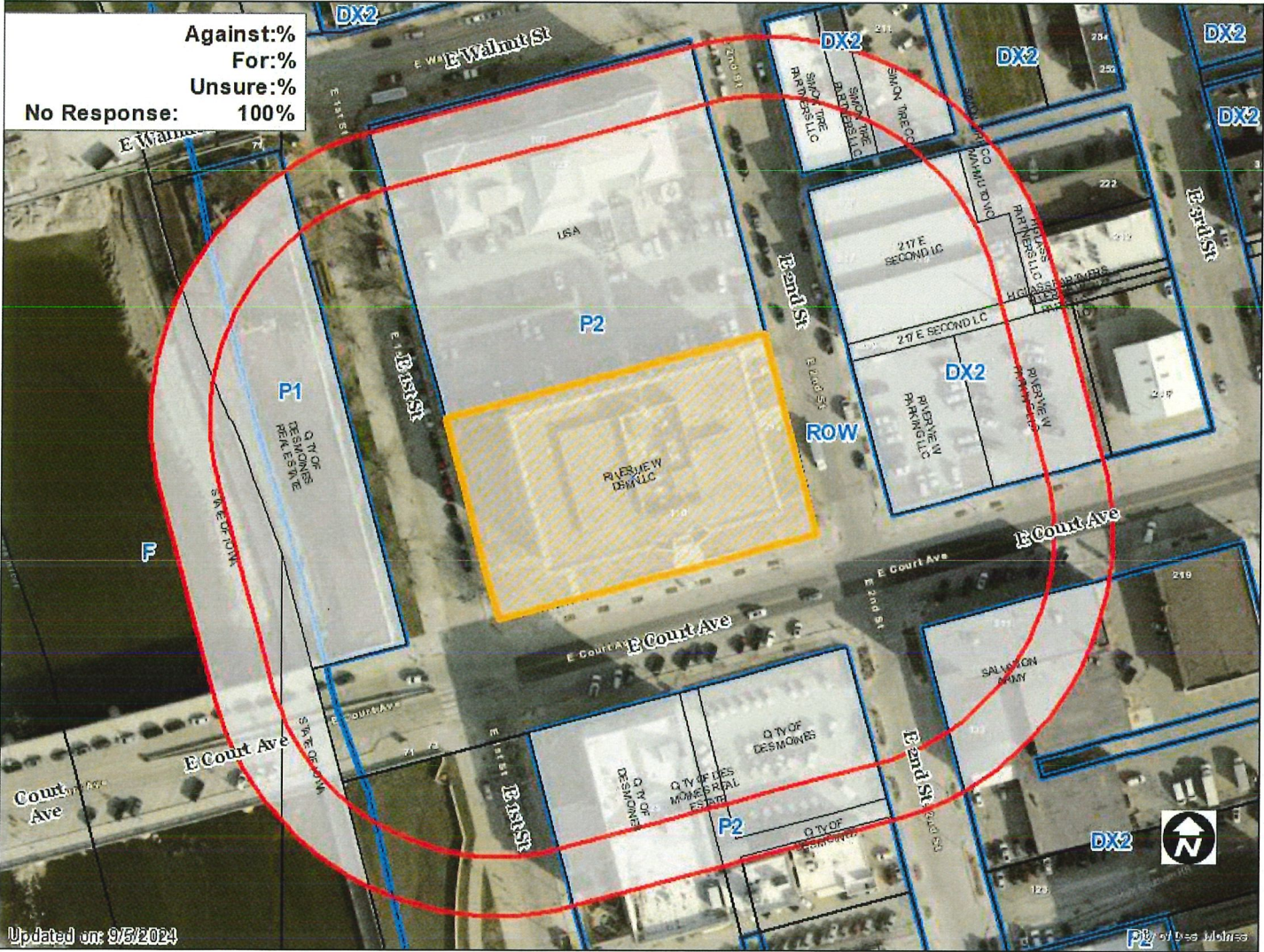
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Riverview DSM, LLC 110 East Court Avenue

ZONG-2024-000022





Riverview DSM, LLC 110 East Court Avenue

ZONG-2024-000022

