



Date October 21, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM MEASURED 3708 SE 14TH, LLC (OWNER), REPRESENTED BY GREG DANIELSON (OFFICER), REGARDING PROPERTY IN THE VICINITY OF 3710 SOUTHEAST 14TH STREET TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Measured 3708 SE 14th LLC (Owner), represented by Greg Danielson (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Medium Density Residential to High Density Residential, to allow expansion of the existing multiple-household residential development so that it has a net density greater than 17 dwelling units per acre; and

WHEREAS, the Property is legally described as follows:

**3708 SE. 14TH STREET
(TRACT 1)**

BEGINNING 792 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK, COUNTY IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 261 FEET TO THE SOUTH LINE OF SAID PLAT 1; THENCE EAST ALONG THE SOUTH LINE, 120 FEET; THENCE SOUTH 23 FEET; THENCE EAST 260 FEET; THENCE SOUTH 238 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5233, PAGE 743.

**AND
(TRACT 2)**

BEGINNING 538 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 254 FEET; THENCE EAST 380 FEET; THENCE SOUTH 254 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5233, PAGE 743.



Date October 21, 2024

**3722 SE. 14TH STREET
(TRACT 3)**

BEGINNING 292 FEET NORTH OF AND 50 FEET WEST OF THE EAST ¼ CORNER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE WEST 380 FEET TO THE EAST LINE OF SOUTHERN KNOLLS PLAT No. 1; THENCE NORTH ALONG SAID EAST LINE 246 FEET; THENCE EAST 380 FEET; THENCE SOUTH 246 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT THE PROPERTY CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 5245, PAGE 534.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on November 4, 2024, in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

Moved by _____ to adopt.

Second by _____



Roll Call Number

Agenda Item Number

24

Date October 21, 2024

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(COMP-2024-000018)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| SIMONSON | | | | |
| 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

Date October 21, 2024

Agenda Item 24

Roll Call # _____

October 7, 2024

Communication from the City Plan and Zoning Commission advising that at their October 3, 2024 meeting, the following action was taken on a request from Measured 3708 SE 14th, LLC (owner), represented by Greg Danielson (officer), regarding property in the vicinity of 3710 Southeast 14th Street to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Medium Density Residential to High Density Residential, to allow expansion of the existing multiple-household residential development so that it has a net density greater than 17 dwelling units per acre.

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 | | | | |
| 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 | | | | |
| Jane Rongerude | X | | | | |

Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the subject property from Medium Density Residential to High Density Residential.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the subject property from Medium Density Residential to High Density Residential.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the future land use designation from Medium Density Residential to High Density Residential, to allow additional development within the property that would allow the site to have a density greater than 17 dwelling units per acre. The application indicates construction of four (4) additional multiple-household buildings with 12 units in each building for a total of an additional 48 dwelling units. There are nine (9) existing multiple-household buildings on the subject property with 12 dwelling units in each building (108 total units). No conceptual site sketch was submitted with the application. The resulting 156 dwelling units on 6.41 acres of land represents a net density of 24.3 dwelling units per acre.

This Land Use Plan amendment request to High Density Residential would allow any future site plan for the subject properties with 156 dwelling units to be found in conformance with PlanDSM: Creating Our Tomorrow comprehensive plan.

2. **Size of Site:** 279,407 square feet (6.41 acres).
3. **Existing Zoning (site):** "NX2" Neighborhood Mix District.
4. **Existing Land Use (site):** The subject property is comprised of two (2) parcels that contain 9 multiple-household residential buildings with twelve (12) dwelling units in each for a total of 108 dwelling units), a paved continuous drive aisle and surface parking lot, and undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "N3a"; Uses are one-household dwellings.
 - South** – "NX2"; Uses are multiple-household dwellings and a surface parking lot.
 - East** – "MX3-V, "PUD""; Uses are auto repair, commercial strip center with multiple businesses, auto sales and service business, and convenience store.
 - West** – "N3a"; Uses are one-household dwellings.
6. **General Neighborhood/Area Land Uses:** The subject site is located along the west side of Southeast 14th Street between East Watrous Avenue and East Thornton Avenue. The area consists of higher intensity commercial uses, and multiple household residential uses along the Southeast 14th Street corridor.
7. **Applicable Recognized Neighborhood(s):** The site is located within the South Central DSM neighborhood and within 250 feet of Easter Lake Area neighborhood. All

neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on August 30, 2024, and by emailing of the Final Agenda on September 13, 2024. 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.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Medium Density Residential (up to 17 dwelling units per acre).

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend the future land use map within the City of Des Moines' Comprehensive Land Use Plan. The recommendation of the Commission will be forwarded to the City Council.

In accordance with City Code Section 135-9.1.1, any future Site Plan for the property must be in accordance with the City's Comprehensive Land Use Plan, including conformance with the density of use allowed per the City's future land use map.

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 "Medium Density Residential" to "High Density Residential." Plan DSM describes these designations as follows:

Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 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.

The parcels that comprise the subject property are currently zoned "NX2" Neighborhood Mix 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 subject site would be an appropriate location for additional multiple-household units given the site's location along a major transportation corridor and access to a transit bus route (DART) and bus stop. The site is also within an area that includes a mix of multiple-household uses. PlanDSM's Land Use Goal #2 states, "Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities." Furthermore, Land Use Goal #13 states, "Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers."

2. **Grading & Storm Water Management:** Any future grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
3. **Nature Features:** Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Utilities:** Stormwater and sanitary sewers are located in the Southeast 14th Street right-of-way.
5. **Traffic/Street System:** The site is located along a transit bus line (DART) with a bus stop adjacent to the subject property.
6. **Planning and Design Ordinance:** Any future development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). As such, 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.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendations.

Chris Draper asked under what conditions would it be required to close one of the driveway entrances on Southeast 14th Street.

Bert Drost stated the Engineering Department usually allows driveways to be every 300 feet. This is a very large site, and he assumed they were already spaced that far.

Jason Van Essen stated the driveways are approximately 460 feet apart. Noted the site plan is not being reviewed tonight and the applicant's concept drawing is provided to show their intentions. A full site plan would be prepared and reviewed later. This is the first part of the process.

OPEN PUBLIC HEARING

Greg Danielson, Newport Beach, CA, representing ownership group, stated they perceived this as a good opportunity to invest in the area. It was well thought out and not their intention to overcrowd the area. They have limited the new buildings to only three to provide better parking and storm water retention.

Yvonne Morris, 1214 E Thornton, has lived in this area for 36 years, shared concerns of the neighborhood regarding traffic. Access points to the area are only available at two locations, Thornton Avenue and East 10th Street. There are 128 homes in this area and adding the apartments, increases the number to 340. The two driveways on SE 14th Street are southbound only and one access is mostly unusable given the slope of the current drive approach. Street parking and overall traffic are bad now and adding more housing will only increase the problems they are already experiencing.

Bernie Lippold, 3708 SE 12th Street, expressed concerns about the construction of new buildings connecting to his backyard. The new residents will be able to see into his backyard and home windows. There is a large problem with traffic, noise and trash in the area. The greenspace that is currently there is used for the children as a play area. The fence line has never been maintained and for eight years he has had to clear weeds and debris himself. Strongly opposes more density being added to this area.

Donna Davis, 1220 E Thornton Ave, spoke in opposition to adding more buildings to the property. Concerns of additional traffic access issues, trash, and the area is already overcrowded. Questioned if the site has more than one driveway to SE 14th Street currently.

Rebuttal

Greg Danielson stated that there are two access points on SE 14th Street. He noted that they have invested over \$500k in the property over the past 18 months and it was their intention to make things better for the community. He appreciated the feedback and will take it into consideration.

Chris Draper asked if they had considered any more access points to the property noting the building to south on Watrous might be able to provide another access point that was worth asking about.

Greg Danielson agreed that it might be possible.

Jason Van Essen mentioned that would be subject to the owner of the connecting property agreeing to it. Asked the applicant how long they had owned the property.

Greg Danielson stated it was purchased in 2022.

Rick Trower asked what size and height of buildings they were considering for the new buildings.

Greg Danielson stated they would be similar to what is already there which are three stories tall.

Chris Draper asked about the concerns of the neighbors with the overall management of the property when it came to trash and maintenance, and how these are being addressed.

Greg Danielson stated they had made improvements by adding dumpster enclosure areas that had not been there previously.

Jane Rongerude asked if the investment group had been communicating with the neighborhood residents prior to the meeting.

Greg Danielson stated they had not.

Jane Rongerude encouraged the investment group to work with the neighbors on their concerns, which seem mostly design related, to ensure a good outcome.

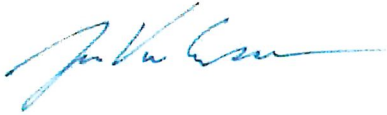
CLOSE PUBLIC HEARING

COMMISSION ACTION

Todd Garner made a motion for approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation for the subject property from Medium Density Residential to High Density Residential.

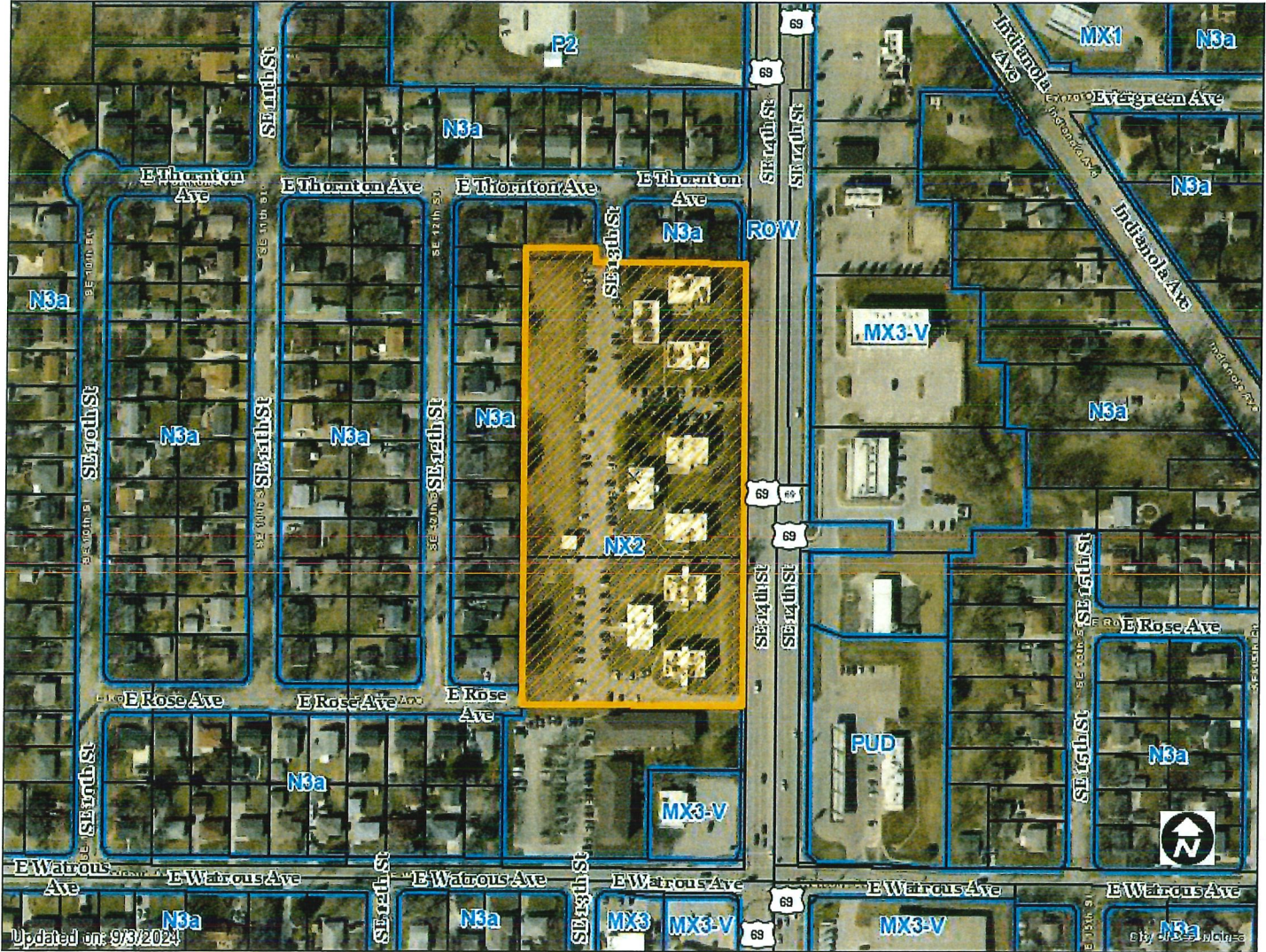
THE VOTE 12-0 (Will Page was not able to vote due to technical difficulties)

Respectfully submitted,



Jason Van Essen
Planning & Urban Design Administrator

JMV:mrw



SITE CONCEPT NOTES:

BUILDINGS ARE SETBACK 45' FROM NORTH AND WEST PROPERTY LINES.

BUILDINGS SHOWN ARE A SIMILAR FOOTPRINT TO THE EXISTING BUILDINGS ON SITE PER THE COUNTY ASSESSOR'S WEBSITE.

