



Date December 23, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 414 61ST STREET, LLC (OWNER), REPRESENTED BY DANIEL DOYLE (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 414 61ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), for the proposed rezoning from “F” Flood District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Parks and Open Space and Development Control; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Parks and Open Space and Development Control to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 21, 2024, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from 414 61st Street, LLC (Owner), represented by Daniel Doyle (Officer), to rezone the Property from “F” Flood District to “RX1” Mixed Use District, to allow reuse of an existing building as an office; and

WHEREAS, the Property is legally described as follows:

LOTS 46, 47, 48, 49, 50 AND 51 IN GRAND AVENUE WATERBURY, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on December 9, 2024, by Roll Call No. 24-1637, 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 December 23, 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:



Roll Call Number

Agenda Item Number

48

Date December 23, 2024

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 are hereby overruled, and the hearing is closed.

Alternative A

MOVED by _____ to **DENY** the proposed rezoning.

Second by _____

Alternative B

MOVED by _____ to continue the public hearing until January 13, 2025, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the requested rezoning for Property from "F" Flood District to "RX1" Mixed Use District, to allow reuse of an existing building as an office, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Second by _____

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2024-000039) (COMP-2024-000024)

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

November 25, 2024

Communication from 414 61st Street, LLC (owner), represented by Daniel Doyle (officer), for the following regarding property located in the vicinity of 414 61st 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 Parks and Open Space and Development Control to Community Mixed Use.
- C) Rezone property from “F” Flood District to “RX1” Mixed Use District, to allow reuse of an existing building as an office

COMMISSION RECOMMENDATION: 12-0

After public hearing, the members voted 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					
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette	X				
Rick Trower	X				
Jane Rongerude	X				

Denial of Part A) The requested rezoning to “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space and Development Control.

Part B) Denial of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space and Development Control to Community Mixed Use.

Part C) Denial of the requested rezoning from “F” Flood District to “RX1” Mixed Use District as the subject property currently in the floodplain cannot be raised above the Base Flood Elevation (floodplain)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning to “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space and Development Control.

Part B) Staff recommends denial of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space and Development Control to Community Mixed Use.

Part C) Staff recommends denial of the requested rezoning from “F” Flood District to “RX1” Mixed Use District as the subject property currently in the floodplain cannot be raised above the Base Flood Elevation (floodplain).

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to do interior renovations in order to convert the existing building from a “Financial Service” use to an “Office - Business or Professional” use (real estate firm). The proposed use requires the property to be rezoned to the “RX1” District. The property is currently zoned “F” Flood District since it within the FEMA-designated 100-year floodplain.

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:** 1.16 acres (50,422.9.9 square feet).
3. **Existing Zoning (site):** “F” Flood District.
4. **Existing Land Use (site):** Parks and Open Space.
5. **Adjacent Land Use and Zoning:**

North – “F”, “N1b”; Uses are one-household residential and vacant land.

South – ‘F’; Use is a restaurant and surface parking lot.

East – ‘F’, “MX1”; Uses are a surface parking lot and an event center space.

West – “F”; Use is a restaurant with a drive-through.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the west side of 61st Street to the north side of Grand Avenue, and within the Walnut Creek watershed. The subject property, as well as most of the adjoining properties, are within the FEMA-designated 100-Year Floodplain. There are low density residential uses to the north of the subject property and commercial and public/semi-public and recreational uses to the south.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Waterbury Neighborhood Association. All neighborhood associations were notified of the November 21, 2024, public hearing by emailing of the Preliminary Agenda on November 1, 2024, and the Final Agenda on November 14, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on November 1, 2024 (20 days prior to the public hearing) and November 11, 2024 (10 days prior to the public hearing) 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 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:** 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:** The applicant is requesting that the future land use designation of the property be amended from “Parks and Open Space” and “Development Control” to “Community Mixed Use”. Plan DSM describes these designations as follows:

Parks and Open Space: Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.

Development Control: Areas that are sensitive to development, such as airport runway protection zones, flood hazard areas, etc.

Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

The proposed “RX1” District zoning for the entire subject property requires the “Community Mixed Use” designation on the Future Land Use Map in order to find the proposed rezoning is in conformance with PlanDSM.

The Zoning Ordinance states that “RX1 is 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”. Building types allowed in this district include Commercial Cottage, General Building, Civic Building, Principal Use Parking Structure, Flat A & Flat B Buildings, and Row Building.

While the proposed Community Mixed Use future land use designation is more appropriate along major commercial corridors, the subject site is immediately north of Grand Avenue, which is a major transportation corridor and has commercial and other nonresidential uses.

2. Floodplain Regulations: The entirety of the subject property is zoned “F” Flood District since it is within the FEMA-designated 100-year floodplain.

In order for Staff to support a rezoning from “F” District, the applicant would need to raise the elevation of the land that would be rezoned so that it is above the FEMA-designated base flood elevation (BFE). This would all require a Floodplain Permit and Letter of Map Amendment. According to City Engineering Staff, raising the land above the base flood elevation would not be practical for this site, as the building sits at a higher elevation than the entire surrounding land.

Therefore, Staff recommends denial of the requested rezoning from “F” Flood District to “RX1” Mixed Use District since there is no practical mechanism to raise the property above the Base Flood Elevation (floodplain). While the existing building sits at a higher elevation and currently meets the regulations as per Chapter 50, rezoning the site to “RX1” District without raising the property above the floodplain could pose significant health and safety risks for future uses since an “RX1” District allows a mix of uses including residential and mixed use developments.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of

the property for a specific commercial use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan.

- 2. Planning and Design Ordinance:** Any future development upon the site 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 property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

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 for approval of the following:

Part A) The requested rezoning to "RX1" District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space and Development Control.

Part B) Denial of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space and Development Control to Community Mixed Use.

Part C) Denial of the requested rezoning from "F" Flood District to "RX1" Mixed Use District as the subject property currently in the floodplain cannot be raised above the Base Flood Elevation (floodplain).

THE VOTE: 12-0

Respectfully submitted,



Bert Drost
Planning & Urban Design Deputy Administrator

BAD:mrw

414 61st Street, LLC 414 61st Street

ZONG-2024-000039





EXISTING ZONING - F - FLOOD
 PROPOSED ZONING - R1



PRELIMINARY

YARE CO.
 414 61ST STREET, DES MOINES, IOWA
REZONING SKETCH

DATE:	October 22, 2024
DRAWN BY:	ML
CHECKED BY:	ML
DATE OF SURVEY:	SJD
DESIGNED BY:	SJD
DRAWN BY:	ML



Civil Engineering Consultants, Inc.
 2400 84th Street, Unit 12, Des Moines, Iowa 50322
 515.276.4884 • mail@cecinc.com

48









Civil Engineering Consultants, Inc.

10-31-2024

RE: NEIGHBORHOOD MEETING:
414 61ST STREET, DES MOINES, IOWA
REZONING FROM 'F' DISTRICT TO MX3
COMPREHENSIVE LAND USE AMENDMENT
ZONING ORDINANCE APPEAL (ZBOA)

Hello Neighbor,

The property owner is requesting to change the zoning of the property from the current "F" district to the "MX3" district, a comprehensive land use amendment from the current "Parks and Open Space" designation to "Community Mixed Use". This change is necessary to allow the property to be used as an office building instead of a financial institution. The proposed office building will have a relatively small number of employees and minimal direct customer interaction. The external changes to the property will be limited to landscaping and bike parking, as required by city regulations. As per the city code, if the rezoning and land use amendment are denied, the owner will request a "Zoning Ordinance Appeal (ZBOA) - Floodplain Zoning Variance". This will allow the owner to operate as an office without a permanent change of zoning or land use.

There will be an optional neighborhood meeting held on Wednesday, November 14 at 5:30 pm at 414 61st Street, Des Moines, Ia.

I will be present at this meeting to answer any questions or concerns you may have. Please feel free to contact me with any questions prior to the meeting at 515-276-4884, ext 221 or gaddis@ceclac.com

Sincerely,

CIVIL ENGINEERING CONSULTANTS, INC.

Jeffrey A. Gaddis, PLS
Civil Engineering Consultants, Inc

&

Daniel Doyle & Luvi Rodriquez
VareCo





Civil Engineering Consultants, Inc.

Meeting Minutes:

Date: November 14, 2024 @ 5:30 p.m.

Location: 414 61st Street, Des Moines, IA

Presenters: open meeting @ 5:30 p.m.

414 61st Street LLC (Owner - Daniel Dolye & Assistant Director of Asset Management - Philip Meyer)

Jeffrey A. Gaddis, PLS (Civil Engineering Consultants, Inc)

Mark Cooper (Neighborhood member outside of the notification area was the single attendee) Mr. Cooper & Gracie Ann (award winning frisbee dog) was onsite by chance paying frisbee.

Assessor address: 5811 WALNUT HILL AVE

Former Credit Union Board member

A description of the process and site was presented.

There were no negative comments, only a discussion about use of the grass area north of the parking lot was discussed, the previous owners, and the flood elevations required with a reconstruction.

Meeting adjured at 5:45 P.M.

Phone Discussion:

November 7, 2024 with Jeffrey A. Gaddis, PLS

William McDonough: (5153469749)

A description of the process and site was presented.

There were no negative comments. Discussion about the future use of the grass area north of the parking lot locally known as an unofficial dog park. The only topic regarding the site was regarding the maximum building height allowed and the status of the carwash west of the McDonald's.

External Comments:

No other letters, calls, or emails were received by individuals notified

Item: ZONG-2024-000039

Date: _____

Please mark one of the following:

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



Titleholder Signature: Elen B Puro

Name/Business: _____

Impacted Address: 6024 Waterbury Circle

Comments: DSM 50312

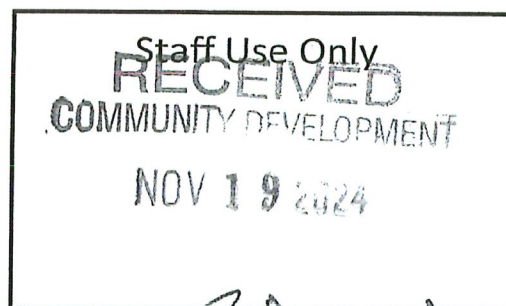
Too Much Development near school
" " Traffic " "

Item: ZONG-2024-000039

Date: 11-16-24

Please mark one of the following:

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



Titleholder Signature: Gretchen and Edward E. Johnson

Name/Business: Gretchen + Edward E. Johnson

Impacted Address: 6018 Waterbury Circle.

Comments: This proposal will reduce the value of our property and negatively affect our historic neighborhood.

Item: ZONG-2024-000039

Date: _____

Please mark one of the following:

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

RE Staff Use Only
COMMUNITY DEVELOPMENT
NOV 26 2024

Titleholder Signature: _____

Roger Edmuth

Name/Business: _____

Impacted Address: _____

6000 Walnut Hill Dr.

Comments: _____

Do Not Develop This Area

Item: ZONG-2024-000039

Date: 11-17-2024

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
NOV 26 2024

Titleholder Signature: [Signature] - Two Properties

Name/Business: Imogene Investments, LLC

Impacted Address: 6021 Walnut Hill Drive

Comments: 6015 Walnut Hill Drive

Item: ZONG-2024-000039

Date: 11-18-24

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
NOV 26 2024

Titleholder Signature: JODY HARING

Name/Business: _____

Impacted Address: 422 60TH ST

Comments: I AM UNDECIDED.

Item: ZONG-2024-000039

Date: 11/18/24

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request
^{strongly}

Staff Use Only
COMMUNITY COMMENT
NOV 25 2024

Titleholder Signature: [Signature]

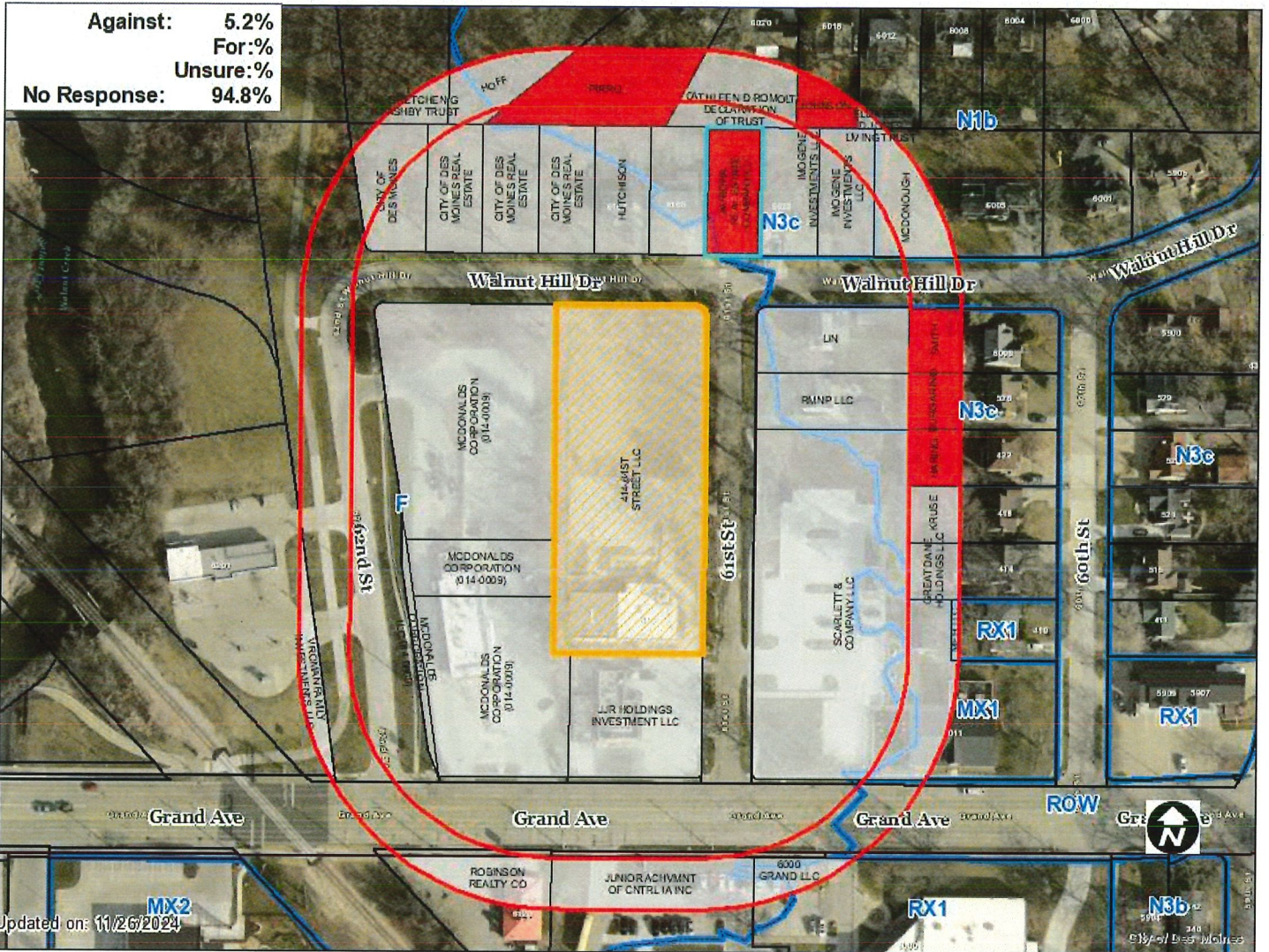
Name/Business: Joanna L. Burgarino

Impacted Address: 526 60th St., Des Moines, IA 50312

Comments: Please leave the park alone. Our community uses it and the green space is part of what defines our neighborhood and makes it a desirable place to live. We've already seen more noise, more traffic, more AirBnBs, and more police calls since the event venue zoning was changed. If more zoning changes happen, it will destroy the character of our area.

414 61st Street, LLC 414 61st Street

ZONG-2024-000039



Updated on: 11/26/2024