

Date January 27, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM RTB RENOVATIONS, LLC (OWNER), REPRESENTED BY RODRIGO CAZARES (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 2625 COTTAGE GROVE AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW-MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “N5-4” NEIGHBORHOOD DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR MULTIPLE-HOUSEHOLD RESIDENTIAL USE WITH UP TO FOUR (4) DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from RTB Renovations, LLC (Owner), represented by Rodrigo Cazares (Officer), for the proposed rezoning from “N5” Neighborhood District to Limited “N5-4” Neighborhood District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from RTB Renovations, LLC (Owner), represented by Rodrigo Cazares (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to High Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on December 19, 2024, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from RTB Renovations, LLC (Owner), represented by Rodrigo Cazares (Officer), to rezone the Property from “N5” Neighborhood District to Limited “N5-4” Neighborhood District, to allow reuse of the existing structure for multiple-household residential use with up to four (4) dwelling units, subject to the following conditions:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code; and
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135; and

WHEREAS, the Property is legally described as follows:

THE WEST 60 FEET OF LOTS 20 AND 21 IN DRAKE UNIVERSITY'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

.....
Date January 27, 2025

WHEREAS, on January 13, 2025, by Roll Call No. 25-0035, 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 January 27, 2025, 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:

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-Medium Density Residential to High Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to Limited “N5-4” Neighborhood District, to allow reuse of the existing structure for multiple-household residential use with up to four (4) dwelling units, 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-2024-000042) (COMP-2024-000028)

 **Roll Call Number**

.....

Date January 27, 2025

Agenda Item Number

50

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



Date January 27, 2025
Agenda Item 50
Roll Call # _____

January 3, 2024

Communication from RTB Renovations, LLC (owner), represented by Rodrigo Cazares (officer), for the following regarding property located at 2625 Cottage Grove 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 for the property from Low-Medium Density Residential to High Density Residential.
- C) Rezone property from "N5" Neighborhood District to "N5-4" Neighborhood District, to allow reuse of the existing structure for multiple-household residential use with up to four (4) dwelling units.

COMMISSION RECOMMENDATION: 13-0

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	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				
Jane Rongerude	X				

Approval of the following:

Part A) The requested “N5-4” District be found not in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

Part B) The request to Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) The request to rezone the property from “N5” Neighborhood District to “N5-4” Neighborhood District subject to the following conditions of approval:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N5-4” District be found not in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

Part B) Staff recommends approval of the request to Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “N5-4” Neighborhood District subject to the following conditions of approval:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the future land use designation to High Density Residential and rezone the subject property to “N5-4” District to allow use of the existing building structure for a multiple-household use with

up to 4 dwelling units. The existing structure formerly contained 6 dwelling units but has lost its previous non-conforming rights since it had been vacant for a period longer than 6 months. The applicant is proposing the structure contain two 1-bedroom efficiency units, a 2-bedroom apartment, and a 3-bedroom apartment. The attic would be utilized as storage space.

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:** 0.1 acres (4,571.1 square feet).
3. **Existing Zoning (site):** "N5" Neighborhood District.
4. **Existing Land Use (site):** The site currently houses a residential structure that previously functioned as a multiple-household use with 6 dwelling units.
5. **Adjacent Land Use and Zoning:**
 - North* – "N5"; Uses are one-household residential units.
 - South* – "N5"; Uses are one-household and two-household residential units.
 - East* – "N5"; Uses are one-household residential units.
 - West* – "N5"; Uses are one-household residential units.
6. **General Neighborhood/Area Land Uses:** The subject property is at the northeast corner of the intersection of 27th Street and Cottage Grove Avenue. The surrounding area includes a mix of mostly one-household dwelling units, with scattered duplex and multiple-household uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the December 19, 2024, public hearing by emailing of the Preliminary Agenda on November 27, 2024, and the Final Agenda on December 13, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on November 27, 2024, (20 days prior to the public hearing) and December 9, 2024, (10 days prior to the public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing.
8. **Relevant Zoning History:** The subject property previously contained a legal non-conforming use with 6 dwelling units in the "N5" District. As a result of vacancy for a period long than 6 months, the property has lost the legal non-conforming status. Therefore, a rezoning is needed to utilize the property for more than one dwelling unit.

On June 27, 2023, the applicant applied to rezone the property from N5 Neighborhood District to N5-4 Neighborhood District to allow four (4) dwelling units. The applicant

subsequently decided to withdraw the application prior to the scheduled Plan and Zoning Commission hearing.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The property is designated as Low-Medium 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 for the property be amended from “Low-Medium Density Residential” to “High Density Residential”. Plan DSM describes these designations as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex, and small multi-family units up to 12 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 subject parcel is currently zoned “N5” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.”

The applicant is proposing to rezone the parcel to the “N5-4” District. The Zoning Ordinance states that “for N districts locations labeled with a “-4” extension, the maximum number of household units permitted per lot is four, pursuant to section 134-3.1.2 of the City Code.”

Staff believes that the proposed High Density Residential designation is appropriate for this site since it is in an area with a mix of housing densities and within close proximity to transit and other amenities on University Avenue and the Drake University Campus. This designation of High Density Residential allows density over 17 dwelling units per net acre. Staff believes that although High Density Residential designation is better placed along significant corridors, such as University Avenue, 31st Street, and 42nd Street, the proposed 4 dwelling units within this property would fit the character of this area and would not be detrimental to the health, safety and well-being of those residing in the building and those in the surrounding neighborhood so long as there is no more than four (4) dwelling units on the subject property at any time. While staff

acknowledges that there is no off-street parking available within the property to provide four (4) off-street motor vehicle parking spaces required in accordance with Section 135-6 of the City Code, there is ample on-street parking available in this area. If any off-street parking is to be provided on the subject site, it should be surfaced and maintained in accordance with Section 135-6.8.6.

2. **Building Code Requirements** 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 may require accessible parking, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building. This building structure may require protection by an automatic sprinkler system in accordance with Chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46.
3. **Planning and Design Ordinance Requirements:** Any development must comply with all applicable site plan and design regulations of the City's 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 (if applicable).

Should the requested rezoning be denied, the existing "N5" Neighborhood District zoning regulations would allow for a maximum of one (1) dwelling unit and should comply with all applicable regulations of the City's Planning and Design Ordinance.

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

Leah Rudolphi made motion for approval of the following:

Part A) The requested "N5-4" District be found not in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential.

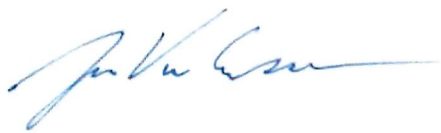
Part B) The request to Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) The request to rezone the property from "N5" Neighborhood District to "N5-4" Neighborhood District subject to the following conditions of approval:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

RTB Renovations, LLC 2625 Cottage Grove Avenue

ZONG-2024-000042



Updated on: 12/19/2024









November 7, 2024

City Zoning Staff,

We are writing as the Drake Neighborhood Association (DNA) to support the rezoning of 2625 Cottage Grove Avenue to the "N5-4" District. The Zoning Ordinance states that "for N districts locations labeled with a "-4" extension, the maximum number of household units permitted per lot is four, pursuant to section 134-3.1.2 of the City Code." The DNA supports converting this property from the approved two-unit dwelling to a four-dwelling unit.

When this issue originally came before the Planning and Zoning Commission, the owners sent notice and scheduled a community meeting. The Drake Neighborhood President was the only neighbor who showed up to the event and toured part of the property that was open. There were no concerns voiced in this time period from neighbors or following the community meeting. Neighbors in the area are grateful for the maintenance that has been done on the property with new ownership regardless of the number of units that it is converted to. Creating a multi-unit dwelling will not create any discomfort in the density of the neighborhood. That area was used to the 6-unit dwelling that was previously there. It is also walking distance to a major corridor on University Avenue. We support this rezoning.

While parking in the neighborhood has some challenges in areas and the board fully appreciates the City's concern for the parking across our neighborhood, there is plenty of street parking for units in this specific area. The parcel is surrounded by a mix of single family and multi-family but does not have significant parking issues. The parcel was housing six units and parking was found as needed. We welcome a four-unit dwelling that is well-maintained to support an increase in density close to main corridors of the neighborhood.

Thank you for your consideration,

The Drake Neighborhood Association Board

Item: ZONG-2024-000042

Date: 12/12/24

Please mark one of the following:

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

Staff Use Only
 RECEIVED
 COMMUNITY DEVELOPMENT
 DEC 17 2024

Titleholder Signature: [Signature]

Name/Business: COLYER PROPERTIES

Impacted Address: 1107 27th ST.

Comments: How well PARKING FOR 4 UNITS BE
ADDRESSED AND HOW WILL THAT IMPACT
PARKING FOR NEIGHBORING RESIDENCES?

Item: ZONG-2024-000042

Date: 12/11

Please mark one of the following:

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

RECEIVED
Staff Use Only
COMMUNITY DEVELOPMENT
DEC 17 2024

Titleholder Signature: 

Name/Business: Invent DSM, Inc.

Impacted Address: 1108 Cottage Grove Avenue

Comments: The remodel of this property is already complete. It is cost prohibitive to return it to my family

Item: ZONG-2024-000042

Date: 12/11

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
DEC 17 2024

Titleholder Signature: _____

Name/Business: Invest DSM, Inc

Impacted Address: 1088 Cottage Grove Avenue

Comments: _____

Item: ZONG-2024-000042

Date: 12-12-24

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
DEC 17 2024

Titleholder Signature: 

Name/Business: IDTT PROPERTIES, LLC

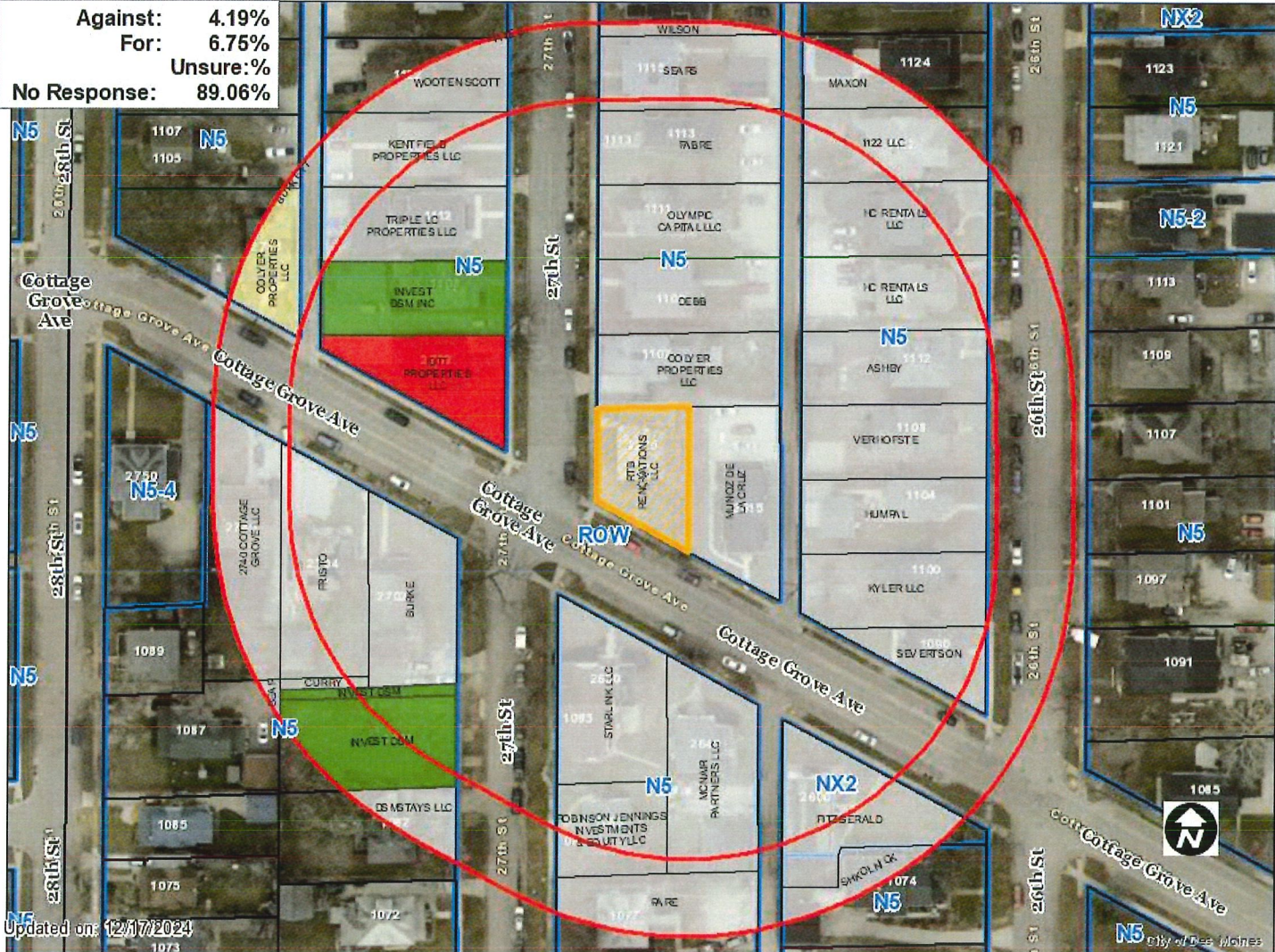
Impacted Address: 2703 COTTAGE GROVE

Comments: the entire long term plan is density reduction by converting these homes back to single family. We've allowed many new apartments to be built, losing the original Prote homes.

RTB Renovations, LLC 2625 Cottage Grove Avenue

ZONG-2024-000042

Against: 4.19%
For: 6.75%
Unsure: %
No Response: 89.06%



Updated on: 12/17/2024