

.....
Date February 10, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM INVEST DSM, INC. (OWNER), REPRESENTED BY CHRISTOPHER CIVITATE (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY IN THE VICINITY OF 3610 5TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), for the proposed rezoning from “MX1” Mixed Use District to Limited “RX1” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Invest DSM, Inc. (Owner), represented by Christopher Civitate (Officer), to rezone the Property from “MX1” Mixed Use District to Limited “RX1” Mixed Use District, to allow redevelopment of the property for a multiple-household building with up to twelve (12) dwelling units, subject to the following conditions:

1. There shall be no more than twelve (12) dwelling units on the subject property (measuring approximately 0.298-acre).; and

WHEREAS, the Property is legally described as follows:

LOTS 9 AND 10 IN BLOCK 22 IN HIGHLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on January 27, 2025, by Roll Call No. 25-0116, 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 February 10, 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

Date February 10, 2025

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 Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “MX1” Mixed Use District to Limited “RX1” Mixed Use District, to allow redevelopment of the property for a multiple-household building with up to twelve (12) 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-2024-000043) (COMP-2024-000029)

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

January 21, 2025

Communication from the City Plan and Zoning Commission advising that at their January 16, 2025 meeting, the following action was taken on a request from Invest DSM, Inc. (owner), represented by Christopher Civitate (officer), for the following regarding property located in the vicinity of 3610 5th 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 Low Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.

C) Rezone property from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow redevelopment of the property for a multiple-household building with up to twelve (12) 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 “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node.

Part B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.

Part C) Rezone the property from “MX1” Neighborhood District to “RX1” Neighborhood District subject to the condition that there shall be no more than twelve (12) dwelling units on the subject property.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node.

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 Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “MX1” Neighborhood District to “RX1” Neighborhood District subject to the condition that there shall be no more than twelve (12) dwelling units on the subject property.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to rezone the subject property to “RX1” District to allow redevelopment for a multiple-household Row Building Type with up to twelve (12) dwelling units. The current “MX1” does not allow the Row Building Type the applicant is proposing for the site. To allow the proposed density, the subject property’s land use designation would also need to be amended to High Density Residential. The subject property is located within a Neighborhood Node.

Any future construction or redevelopment on 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: 0.298 acres (12,972 square feet).

3. Existing Zoning (site): “MX1” Mixed Use District.

4. **Existing Land Use (site):** The subject property is currently undeveloped. A multiple-household residence on the subject property was demolished in 2021.
5. **Adjacent Land Use and Zoning:**
 - North* – “N5”; Uses are low density residential units.
 - South* – ‘MX1’; Uses are commercial and retail uses.
 - East* – “MX1”; Uses are commercial and retail uses.
 - West* – “MX1”; Uses are commercial and retail uses.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the west side of 5th Avenue north of the intersection with Euclid Avenue. The surrounding area includes a mix of commercial, retail, civic, and low-density residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Highland Park/Oak Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing the Preliminary Agenda on December 27, 2024, and of the Final Agenda on January 10, 2024.

Additionally, an official public notice of the hearing for this specific item was mailed on December 27, 2024 (20 days before the hearing), and on January 6, 2025 (10 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 can 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 within a Neighborhood Node.
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 Density

Residential within a Neighborhood Node” to “High Density Residential Neighborhood Node”. PlanDSM describes these designations as follows:

Low Density Residential: Areas developed with primarily single family and two family residential units with up to 6 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.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The subject parcel is currently zoned “MX1” District. The Zoning Ordinance describes this district as, “intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.”

The applicant is proposing to rezone the parcel to the “RX1” District. The Zoning Ordinance describes this district 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 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 along Euclid Avenue and 6th Avenue. This designation of High Density Residential allows density over 17 dwelling units per net acre. Staff believes the proposed twelve (12) dwelling units on the subject 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 twelve (12) dwelling units on the subject property at any time.

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. The 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.

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 "RX1" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential within a Neighborhood Node.

Part B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node.

Part C) Rezone the property from "MX1" Neighborhood District to "RX1" Neighborhood District subject to the condition that there shall be no more than twelve (12) dwelling units on the subject property.

THE VOTE: 13-0

Respectfully submitted,



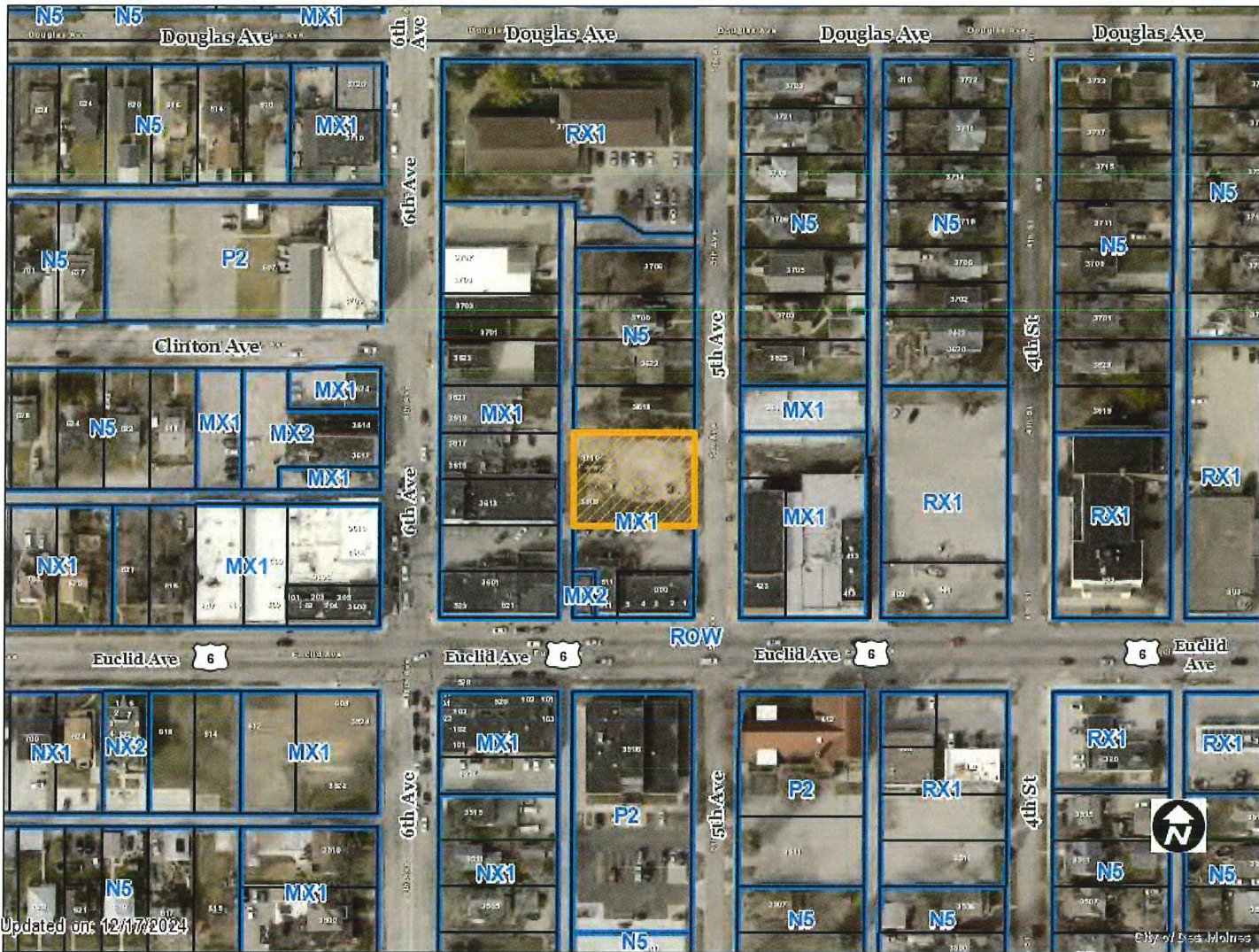
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Invest DSM Vicinity of 3610 5th Avenue

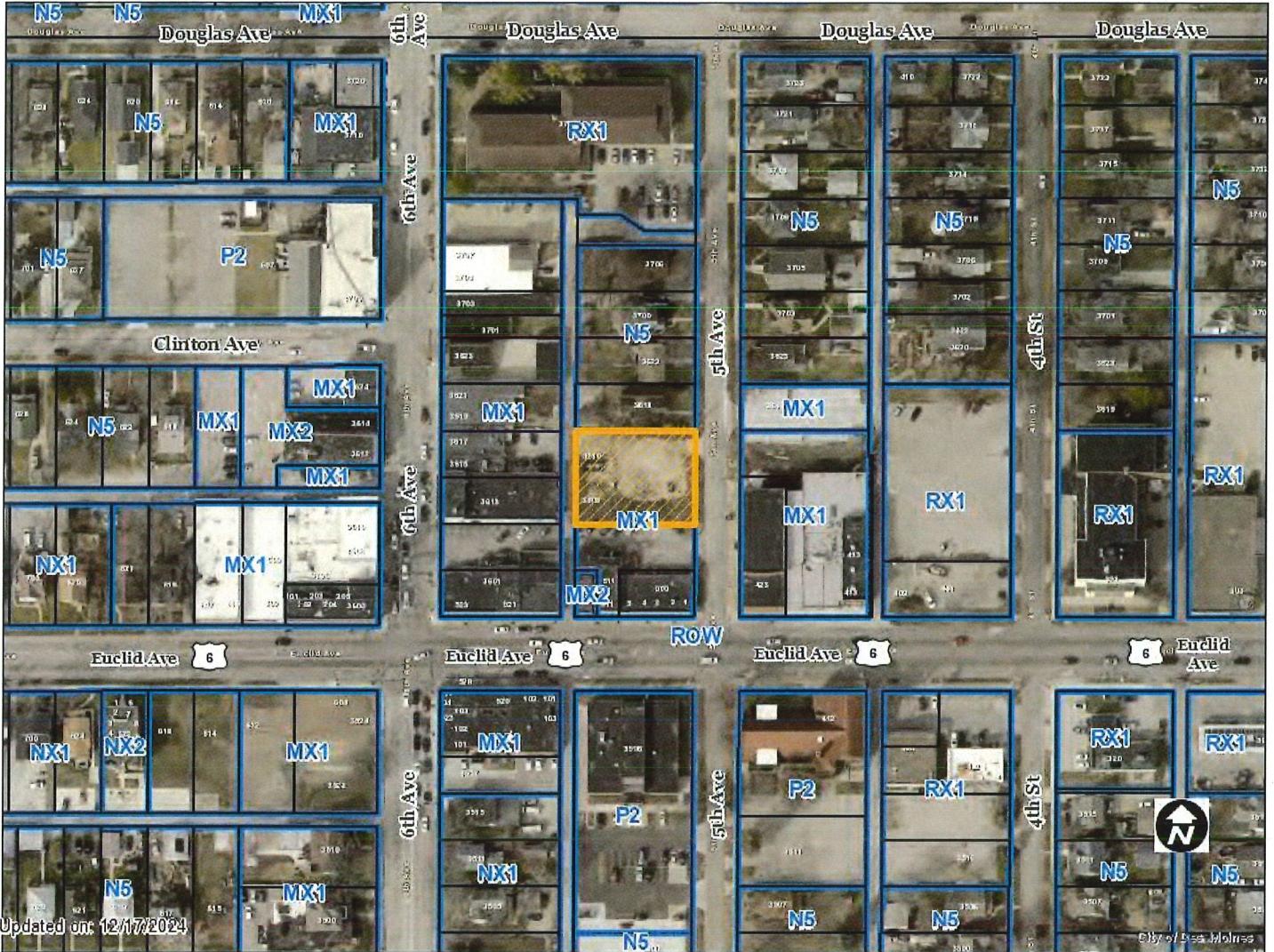
COMP-2024-000029

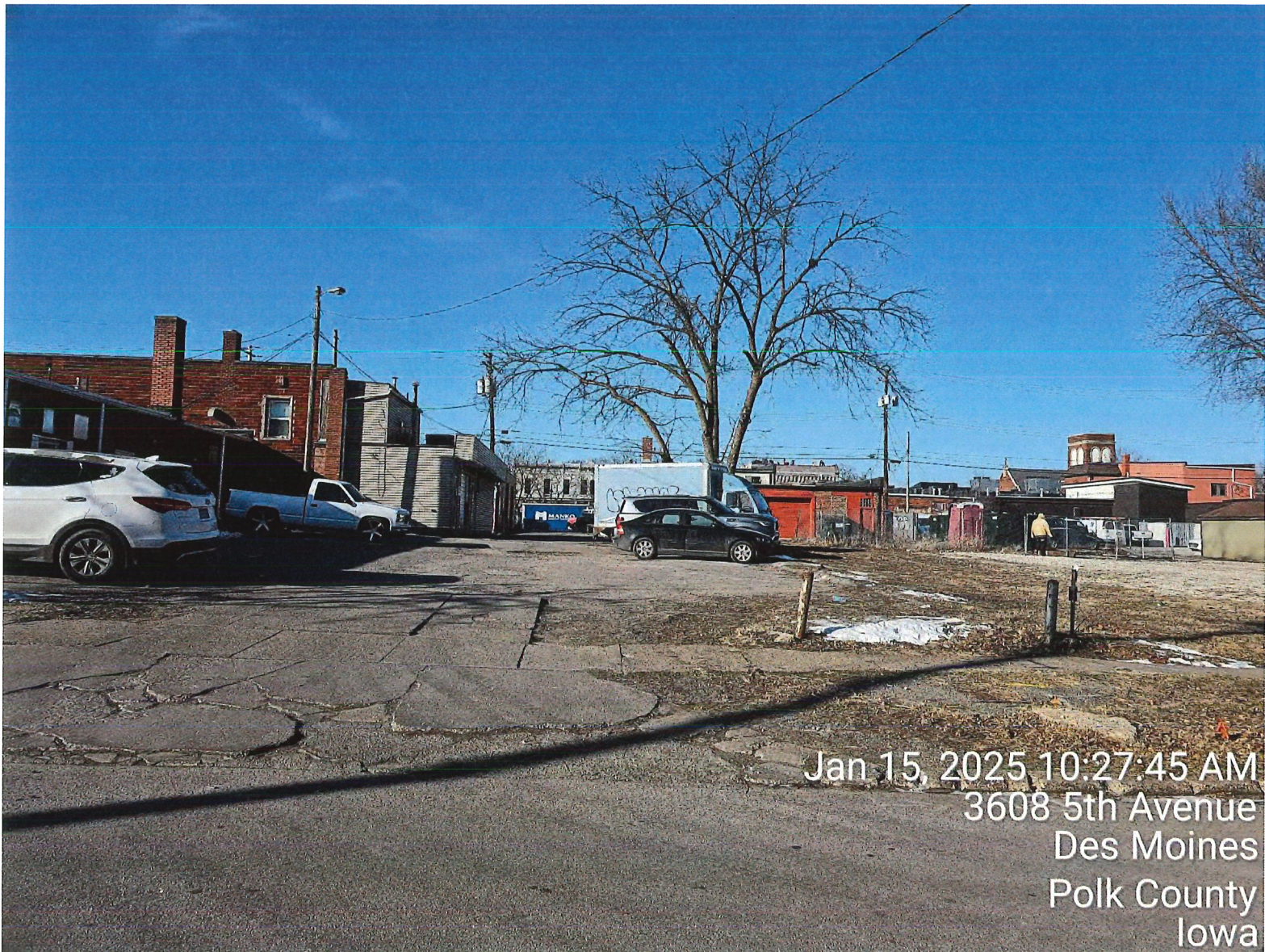


Updated on: 12/17/2024

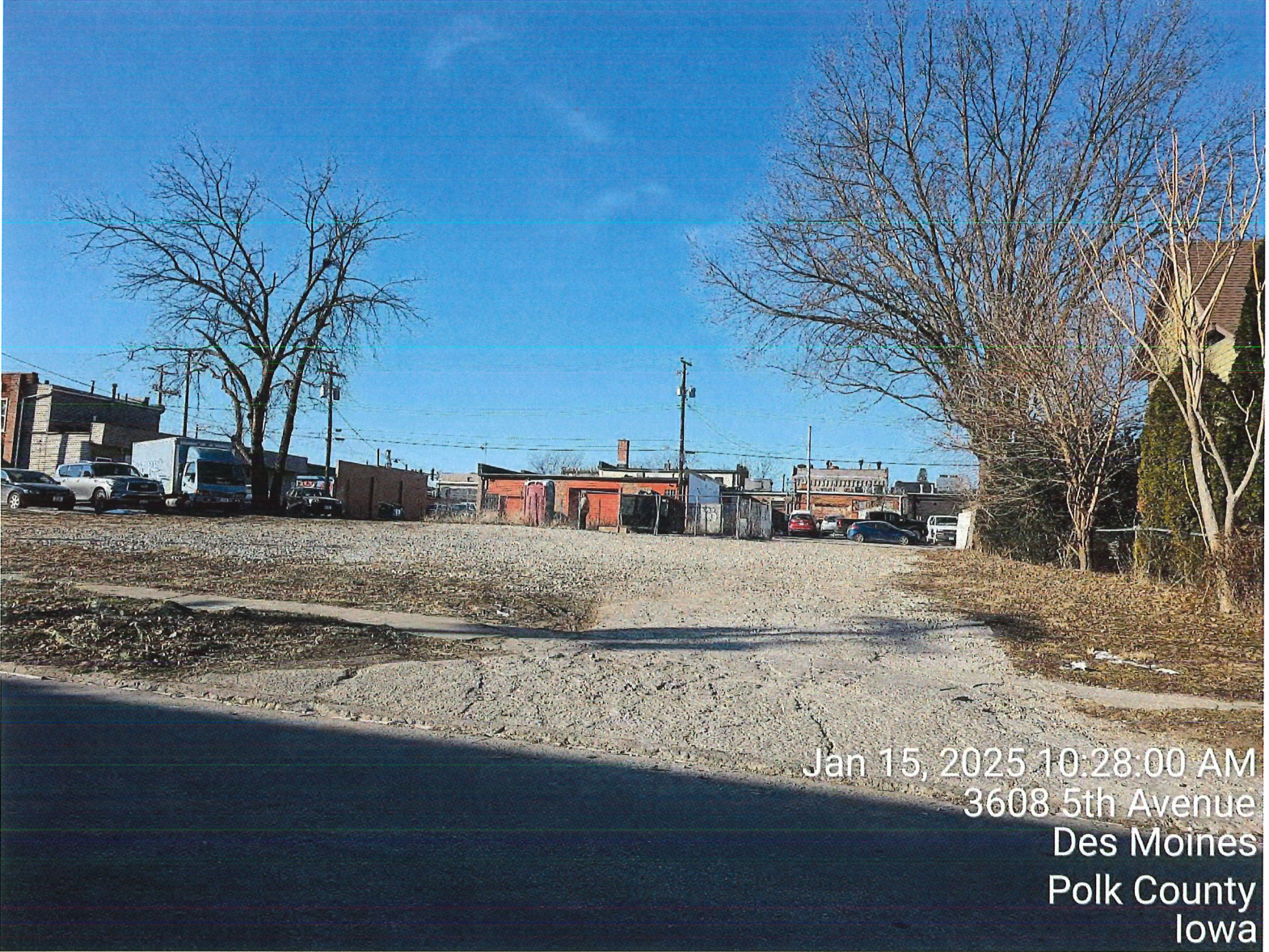


City of Des Moines





Jan 15, 2025 10:27:45 AM
3608 5th Avenue
Des Moines
Polk County
Iowa



Jan 15, 2025 10:28:00 AM
3608 5th Avenue
Des Moines
Polk County
Iowa

SITE LOCATION



ARCHITECT
 SEQUEL ARCHITECTURE
 2513 WOODLAND AVE.
 DES MOINES, IA 50312
 STEVE WILKUS-SHARRID

GENERAL CONTRACTOR
 MD EGGERS CONSTRUCTION

CIVIL ENGINEER

SHEET INDEX

SHEET NAME	ISSUED	LAST REVISION
GENERAL	06/21/18	06/21/18
CON	07/06/18	06/21/18
CON	07/06/18	06/21/18
MECHANICAL	06/21/18	06/21/18
ELECTRICAL	06/21/18	06/21/18
HVAC	06/21/18	06/21/18
PLUMBING	06/21/18	06/21/18
FOUNDATION	06/21/18	06/21/18
CONCRETE	06/21/18	06/21/18
ROOFING	06/21/18	06/21/18
PAVING	06/21/18	06/21/18
LANDSCAPE	06/21/18	06/21/18
DETAILS	06/21/18	06/21/18
CONTRACT	06/21/18	06/21/18

OWNER

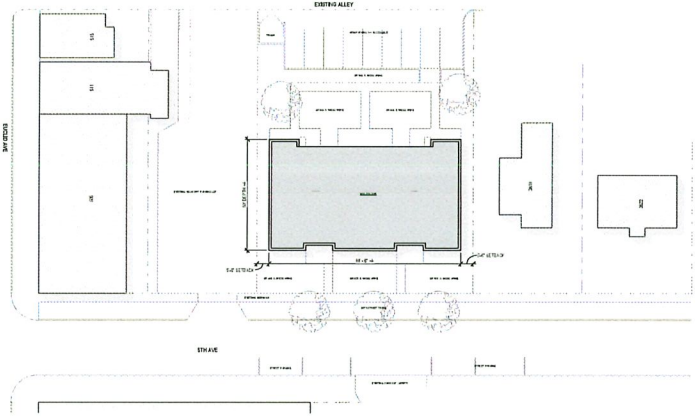
ELECTRICAL

HVAC

PLUMBING

HIGHLAND PARK FLATS

3608 5TH AVENUE
 DES MOINES, IA 50313



1 SITE PLAN CONCEPT
 1" = 20'-0"

I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed professional under the laws of the State of Iowa.

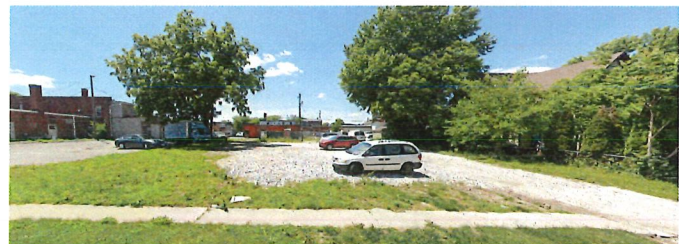
Steven Wilkus-Sharrid
 License Number #17215
 Sequel Architecture, PLLC

Signature _____ Date _____

Drawn or Pages covered by this seal



VIEW 1: STREET CORNER VIEW OF LOT FROM 5TH AVENUE, LOOKING EAST, 5TH AVENUE, DES MOINES, IA



VIEW 2: WEST CORNER VIEW OF LOT FROM 5TH AVENUE, LOOKING WEST, 5TH AVENUE, DES MOINES, IA



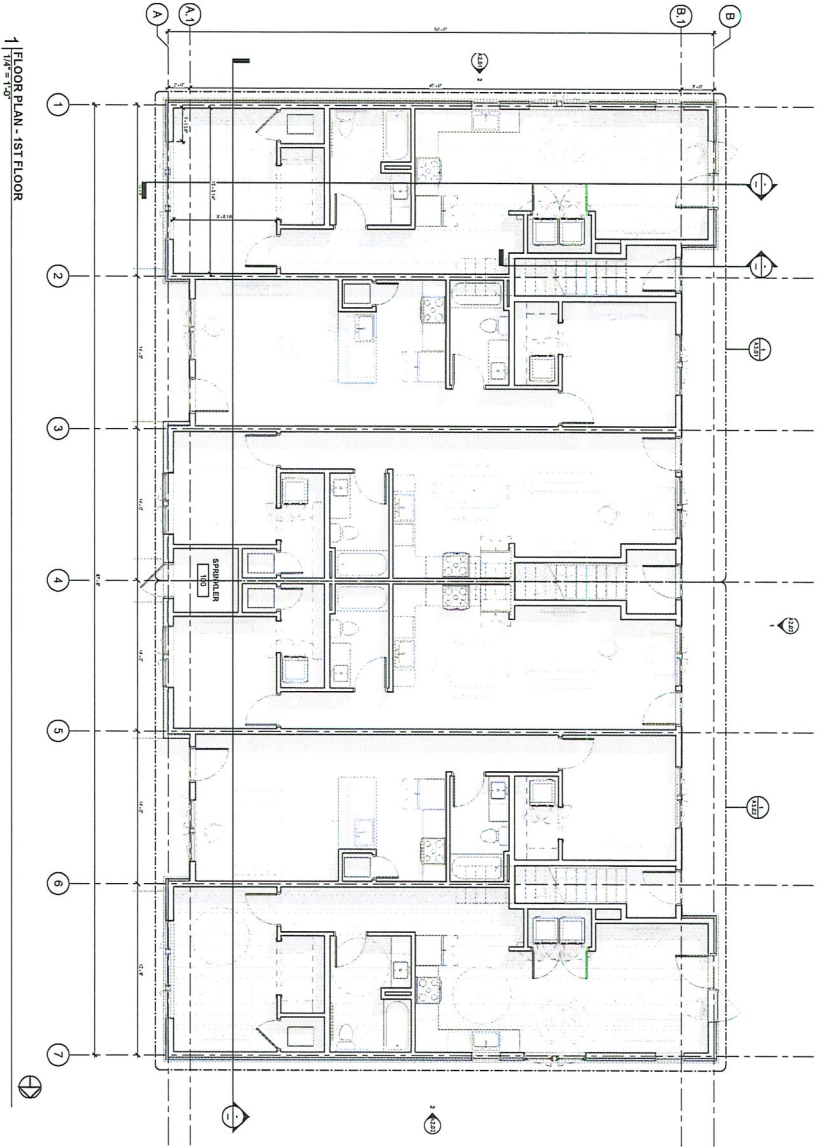
HIGHLAND PARK FLATS
 3608 5TH AVENUE
 DES MOINES, IA 50313

RELEASED FOR INITIAL DESIGN CONCEPT REVIEW - NOT FOR CONSTRUCTION

DESIGNER	SEQUEL ARCHITECTURE
DATE	06/21/18
PROJECT NO.	18-001
REVISION	1
DATE	06/21/18

COVER SHEET

G0.01



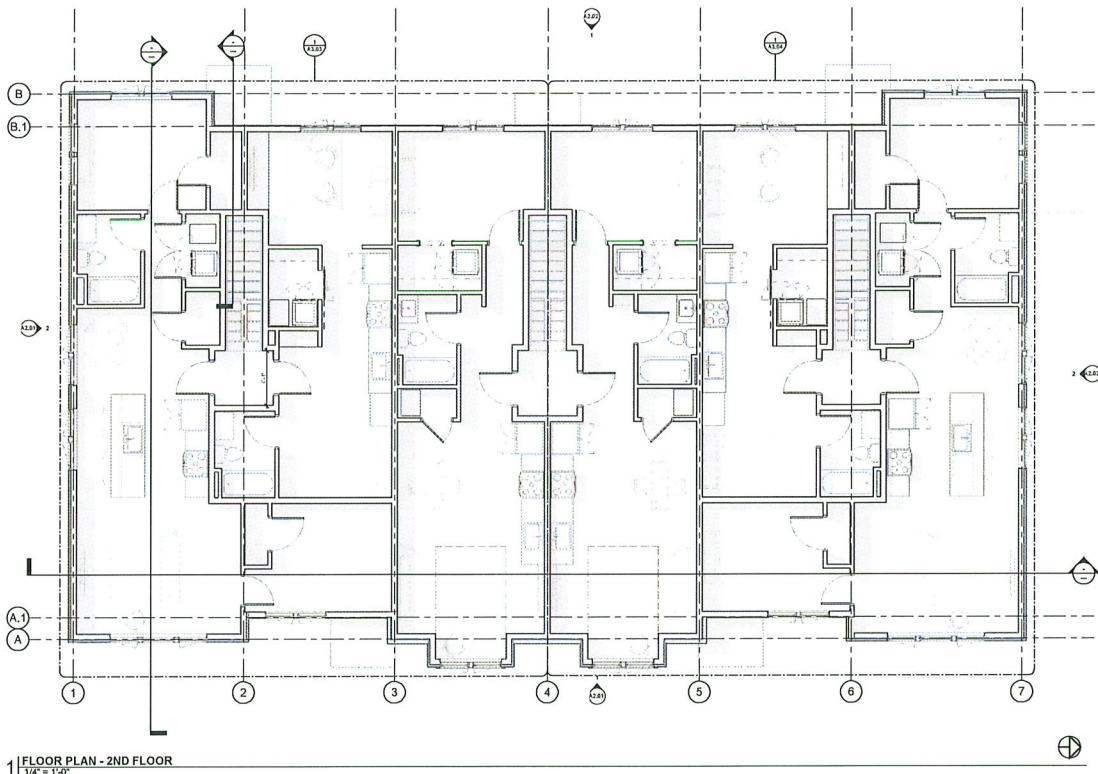
1 FLOOR PLAN - 1ST FLOOR
1/4" = 1'-0"

NOT TO SCALE
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
 ALL FINISHES ARE TO BE DETERMINED AT THE TIME OF CONSTRUCTION
 ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT

GENERAL NOTES - PLAN

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL FINISHES ARE TO BE DETERMINED AT THE TIME OF CONSTRUCTION.
 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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 10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

SEQUEL ARCHITECTURE • INTERIORS 2813 WOODLAND AVE, DES MOINES, IA 50312 (515) 281-9826	HIGHLAND PARK FLATS 3628 5TH AVENUE DES MOINES, IA 50313 RELEASED FOR INITIAL DESIGN CONCEPT REVIEW - NOT FOR CONSTRUCTION	PROJECT NAME PROJECT NUMBER SHEET NUMBER DATE
	GRAND FLOOR PLAN A1.02	REVISIONS 1.1



1 | FLOOR PLAN - 2ND FLOOR
 1/4" = 1'-0"

GENERAL NOTES - PLAN

NOTES: THE WORK IS SUBJECT TO THE LOCAL, STATE AND FEDERAL REGULATIONS AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

GENERAL NOTES: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

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ARCHITECTURE



HIGHLAND PARK FLATS
 3028 5TH AVENUE
 DES MOINES, IA 50313

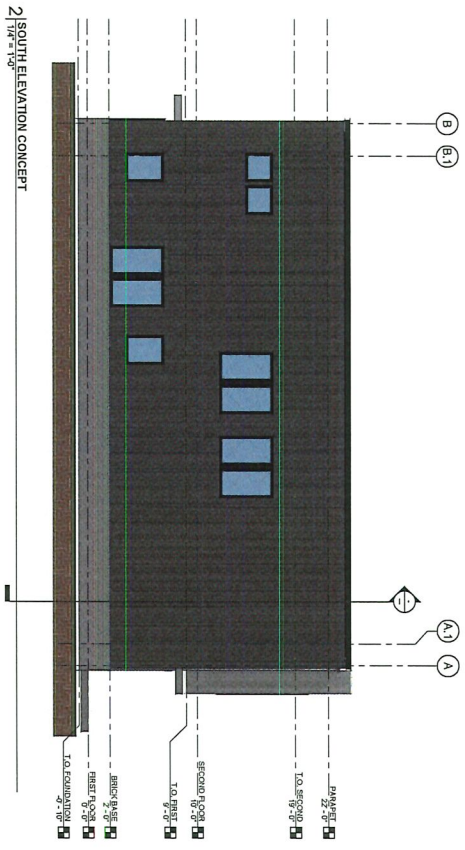
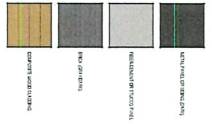
RELEASED FOR INITIAL DESIGN CONCEPT REVIEW - NOT FOR CONSTRUCTION

PROJECT NAME
 3028 5TH AVENUE

DATE
 1/18/2024

SCALE
 1/8" = 1'-0"

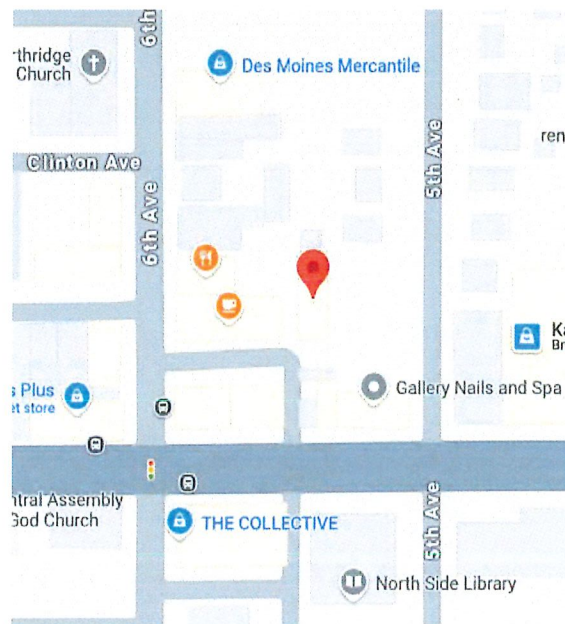
ISSUES
 A2.00



NEIGHBORHOOD MEETING

I have applied to rezone the parcel at **3610 5th Avenue** to build new multi-family housing. As a nearby property owner, you are invited to attend a **neighborhood meeting** to learn more about the proposal and provide feedback. Hope to see you there!

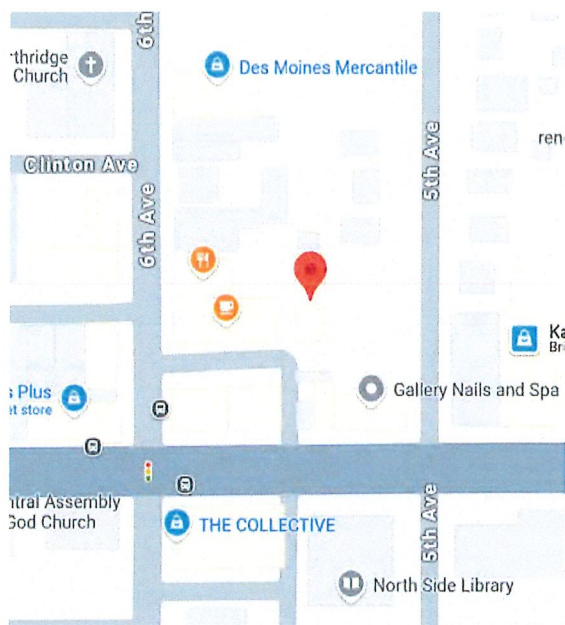
DATE: January 7, 2024
TIME: 5:30pm to 6:30pm
WHERE: Northside Library
 3516 5th Avenue
CONTACT: Jake Sparks
 (706) 761-4220
sparksjb@gmail.com



NEIGHBORHOOD MEETING

I have applied to rezone the parcel at **3610 5th Avenue** to build new multi-family housing. As a nearby property owner, you are invited to attend a **neighborhood meeting** to learn more about the proposal and provide feedback. Hope to see you there!

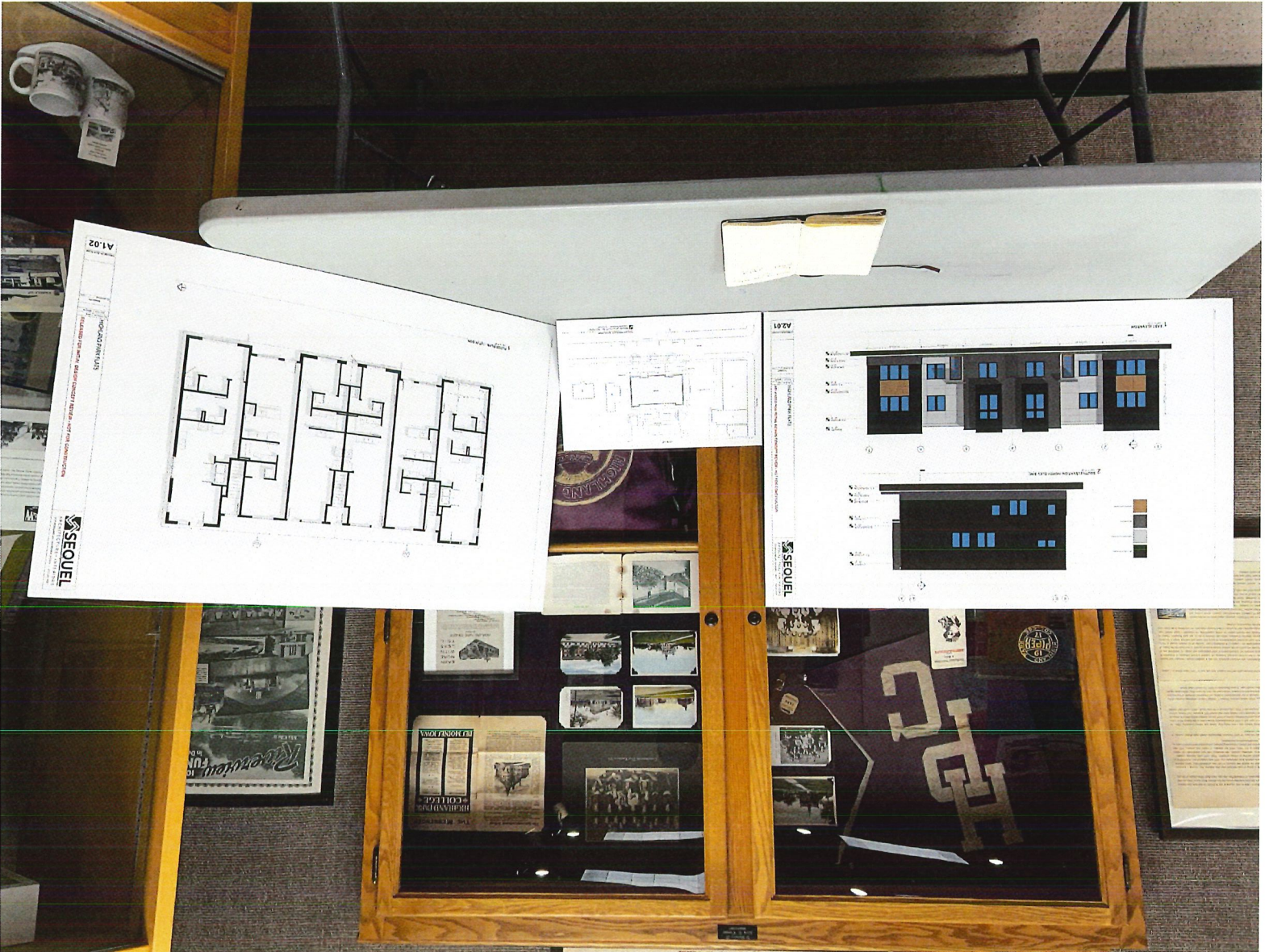
DATE: January 7, 2024
TIME: 5:30pm to 6:30pm
WHERE: Northside Library
 3516 5th Avenue
CONTACT: Jake Sparks
 (706) 761-4220
sparksjb@gmail.com



Highland Flats Public Meeting
1/7/2025

Name
Print
Gary Fox

Signature
Gary Fox

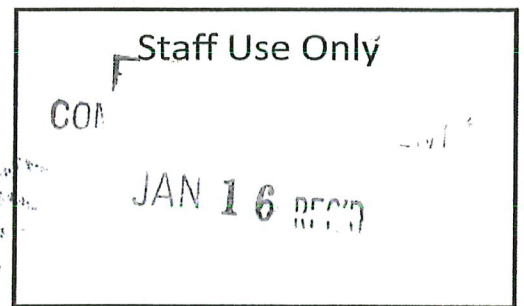


Item: ZONG-2024-000043

Date: Jan. 10, 2025

Please mark one of the following:

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



Titleholder Signature: William H. White

Name/Business: Bill's Window & Screen Repair and Slow Down Coffee Shop

Impacted Address: 3613 6th Ave.

Comments: _____

Item: ZONG-2024-000043

Date: Jan. 10, 2025

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JAN 16 2025

Titleholder Signature: William H. White

Name/Business: A-J African Mkt. & Devine Times

Impacted Address: 519, 521 & 523 Euclid

Comments: _____

