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Date March 9, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM CHRISTIAN PRINTERS, INC. TO AMEND THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND REZONE PROPERTY LOCATED AT 1415 21ST STREET

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on February 24, 2020, by Roll Call No. 20-0333, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 6, 2020, the City Plan and Zoning Commission voted 11-0 in support of a motion to recommend **APPROVAL** of a request by Christian Printers, Inc. (owner), represented by Bryan Goos (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 1415 21st Street (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow for rezoning to Limited RX1 Mixed Use District; and

WHEREAS, the City Plan and Zoning Commission further has advised that at a public hearing held on February 6, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Christian Printers, Inc., to rezone the Property from N5 Neighborhood District to Limited RX1 Mixed Use District, to conform to the Commercial Service, Consumer Maintenance and Repair use (printing business) to the south and allow a potential expansion of the existing printing business or development for assembly use, subject to the following conditions:

1. Any use of the property shall be limited to the following:
 - a. Any use as allowed in the “N5” District Household Living;
 - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
 - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
 - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements; and

WHEREAS, on February 24, 2020, by Roll Call No. 20-0333, it was duly resolved by the City Council that request to rezone the Property and for approval of the proposed comprehensive plan amendment, be set down for hearing on March 9, 2020 at 5:00 P.M., in the Council Chamber at City Hall; 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 proposed amendment to the Zoning Ordinance and comprehensive plan; and



Roll Call Number

Agenda Item Number

44

Date March 9, 2020

WHEREAS, in accordance with said notice, those interested in said proposed comprehensive plan amendment and rezoning and, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1415 21st Street, legally described as:

LOT 9 IN WILLIAMS ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from N5 Neighborhood District to Limited RX1 Mixed Use District, to conform to the Commercial Service, Consumer Maintenance and Repair use (printing business) to the south and allow a potential expansion of the existing printing business or development for assembly use, subject to the conditions set forth above.

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 to the PlanDSM: Creating Our Tomorrow Plan future land use designation for 1415 21st Street or the proposed rezoning of the Property to Limited RX1 Mixed Use District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 1415 21st Street to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited RX1 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(21-2020-4.02)

(ZON2020-00006)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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



February 18, 2020

Date March 9, 2020
 Agenda Item 44
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 6, 2020 meeting, the following action was taken regarding a request from Christian Printers, Inc. (owner) represented by Bryan Goos (officer) to rezone property located at 1415 21st Street from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the zoning to same designation as the Commercial Service, Consumer Maintenance and Repair use (retail printing business) property to the south.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
John “Jack” Hilmes	X			
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

APPROVAL of Part A) the Commission find the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) **APPROVAL** of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street and Part C)

APPROVAL of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
 - a. Household Living;
 - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
 - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
 - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.

2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

(ZON2020-00006) & (21-2020-4.02)

Written Responses

2 in Favor

1 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find that the proposed rezoning to “RX1” is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.

Part B) Staff recommends approval of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street.

Part C) Staff recommends approval of rezoning the subject properties from “N5” Neighborhood District to “RX1” Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
 - a. Household Living;
 - b. “Commercial Service, Consumer Maintenance and Repair use (printing business)”;
 - c. “Assembly & Entertainment, Small”, if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
 - d. “Assembly – Public, Civic and Institutional” if a Conditional Use for such is granted by the Zoning Board of Adjustment.

2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would potentially allow an expansion of the existing printing business on the parcels to the south. The applicant has also indicated that the property could also potentially be developed for an assembly use. Staff notes that if the property were rezoned to “RX1” District, any use of the property for an assembly use would be subject to the Zoning Board of Adjustment granting a Conditional Use.
2. **Size of Site:** 7,850 square feet (0.18 acre).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The subject property is a residential lot that previously contained a single-household dwelling that was demolished in 2017. It has been covered with gravel and it appears that it is being utilized for vehicle maneuvering and parking without required approvals.
5. **Adjacent Land Use and Zoning:**
 - North** – “N5”; Uses include single-household residential.
 - South** – “RX1”; Use is Christian Printers.
 - East** – “NX1”; Uses include single-household residential, parking, and public alley right-of-way.
 - West** – “N5”; Uses includes single-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the Drake Neighborhood in an area that contains a mix of single-household residential, multiple-household residential, office, commercial, and religious uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Drake Neighborhood and within 250 feet of King Irving Neighborhood and Carpenter Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on January 17, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2020 (20 days prior to public hearing) and January 27, 2020 (10 days prior to public hearing) 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 Development Division. A Final Agenda was mailed to recognized neighborhoods on January 31, 2020.

The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311. The King Irving Neighborhood Association notices were mailed to Ramona Bates, 1321 Norton Street, Des Moines, IA 50314. The Carpenter Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** Taking into the consideration of 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 at 1415 21st Street to be amended from “Low Density Residential” to “Neighborhood Mixed Use”. Plan DSM 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.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersection of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

This amendment is necessary so that the proposed “RX1” zoning to be found in conformance with the comprehensive plan.

2. **Site Plan Requirements:** Any development would require compliance with all applicable Site Plan requirements. Applicable requirements include stormwater management, landscaping, and screening for adjoining residential properties. All 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. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

The subject property has been covered with gravel and appears to be being used for illegal vehicle maneuvering and parking for the applicant’s business to the south. A site plan must be prepared and the site must be brought into conformance with the approved site plan if the applicant wishes to continue to use the subject property in this manner.

3. **Streets and Access:** A traffic study was not required by the City's Traffic & Transportation Division for the requested rezoning. Any use of the property for vehicular access or parking must comply with any applicable site plan requirements.
4. **Additional Information:** The applicant is proposing to rezone the subject property from "N5" District to "RX1" District. The Zoning Ordinance describes these designations as follows:

N5 is 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.

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 corridor's adjacent to low-scale neighborhoods

Staff believes that the request is appropriate given that it adjoins commercially zoned property and is in close proximity to Forest Avenue, so long as the applicant utilizes the subject property in compliance with all applicable ordinances, codes, and requirements of the City of Des Moines.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of Part A) the Commission find the proposed rezoning to "RX1" is not in conformance with the PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, Part B) **APPROVAL** of the requested amendment to PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use on property at 1415 21st Street and Part C) **APPROVAL** of rezoning the subject properties from "N5" Neighborhood District to "RX1" Mixed Use District subject to the following conditions:

1. Any use of the property shall be limited to:
 - a. Household Living;
 - b. "Commercial Service, Consumer Maintenance and Repair use (printing business)";
 - c. "Assembly & Entertainment, Small", if a Conditional Use for such is granted by the Zoning Board of Adjustment; or
 - d. "Assembly – Public, Civic and Institutional" if a Conditional Use for such is granted by the Zoning Board of Adjustment.
2. Any development shall comply with all applicable site plan requirements of the City, including but not limited to stormwater management, landscaping, and screening from adjoining residential properties, parking and paving requirements, traffic and transportation requirements, and grading requirements.

Motion passed: 11-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'JVE', with a long horizontal flourish extending to the right.

Jason Van Essen, AICP
Senior City Planner

JVE:tjh

Christian Printers, Inc. (owner) represented by Bryan Goos (officer) for property located at 1415 21st Street.				File #	
				21-2020-4.02	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow to revise the future land use plan from Low Density Residential to Neighborhood Mixed Use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N5" Neighborhood District.				
Proposed Zoning District	"RX1" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Christian Printers, Inc., 1415 21st Street

21-2020-4.02



1 inch = 75 feet

Christian Printers, Inc. (purchaser) represented by Bryan Goos (officer) for property located at 1415 21st Street.				File #	
				ZON2020-00006	
Description of Action	Rezone property from "N5" Neighborhood District to "RX1" Mixed Use District, to bring the zoning to same designation as the Commercial Service, Consumer Maintenance and Repair use (retail printing business) property to the south.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N5" Neighborhood District.				
Proposed Zoning District	"RX1" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	1			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

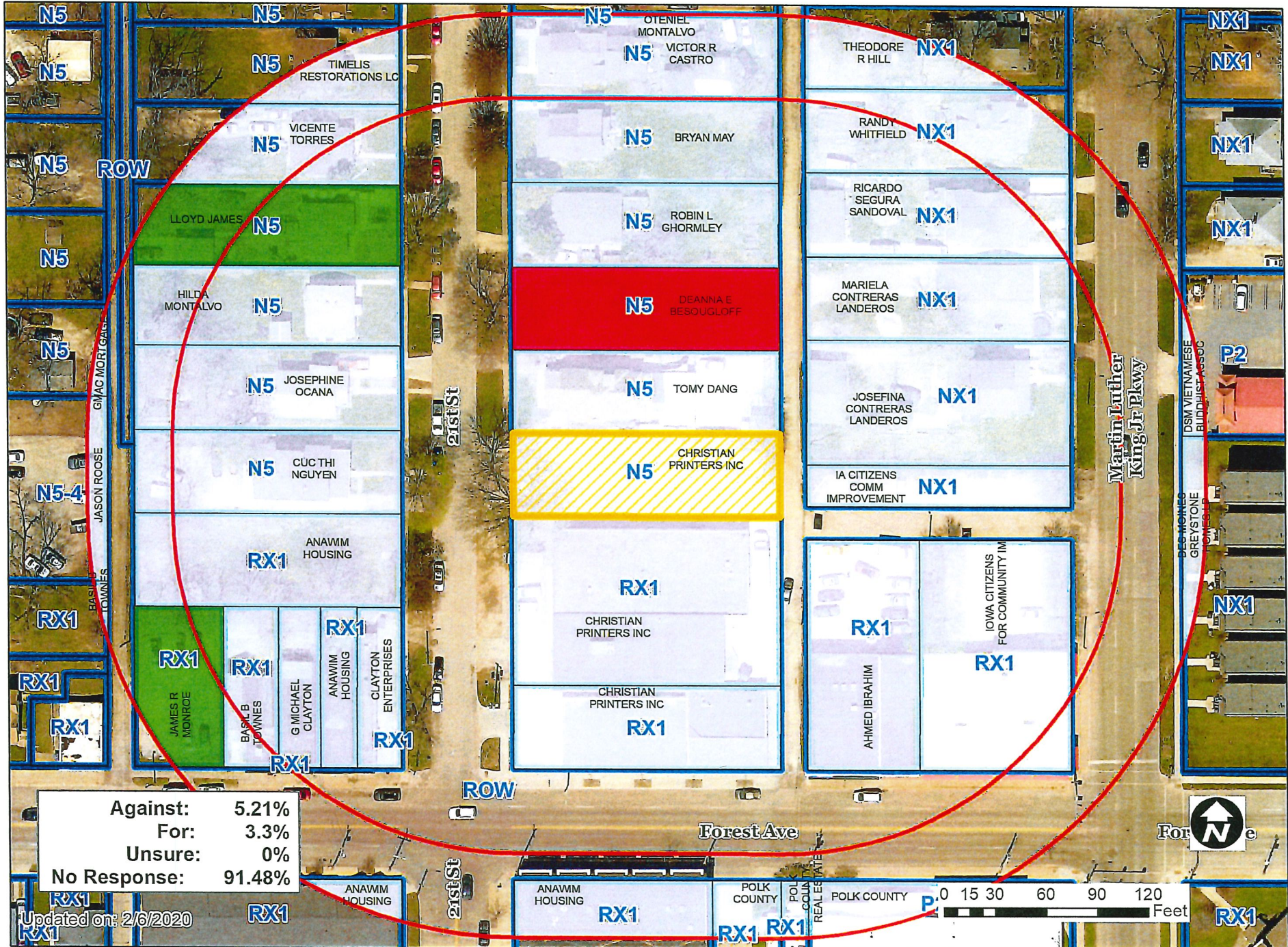
Christian Printers, Inc., 1415 21st Street

ZON2020-00006





44



Updated on: 2/6/2020

1 inch = 75 feet

hh

Item: ZON2020-00006 Date: 1-29-20

I (am) (am not) in favor of the request:

RECEIVED Print Name: Diana Besongoth
COMMUNITY DEVELOPMENT

FEB 3 2020 Signature: [Signature]

Address: 1423 21st St. DM 50311

Reason for opposing or approving this request may be listed below:

Dont want more business destroying
the neighborhood. It's just been
getting to be a good neighborhood to
live in.

Item: ZON2020-00006 Date: 1-29-2020

44

I (am) (am not) in favor of the request:

RECEIVED
COMMUNITY DEVELOPMENT
FEB 3 2020

Print Name: LLOYD JAMES

Signature: Lloyd James

Address: 2028 CLARK ST 50311
DM IT

Reason for opposing or approving this request may be listed below:

THEY RUN A CLEAN BUSINESS
GIVES A LOT OF PEOPLE A JOB

Item: ZON2020-00006 Date:

I (am) (am not) in favor of the request:

RECEIVED
COMMUNITY DEVELOPMENT
JAN 31 2020

Print Name: James Monroe

Signature: [Signature]

Address: 2109-2123 West Acker

Reason for opposing or approving this request may be listed below:

[Blank lines for reason]