



Date May 4, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM SCOTTISH RITE PARK, INC. TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2909 WOODLAND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Scottish Rite Park, Inc. (owner), represented by Daniel J. Boor (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2909 Woodland Avenue (“Property”) from Public/Semi-Public to Neighborhood Mixed Use to allow rezoning to RX1 Mixed-Use District and allow for future consideration by the Zoning Board of Adjustment of a conditional use for a business selling liquor, wine and/or beer as a restaurant within the existing assisted living residential facility; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Scottish Rite Park, Inc. to rezone the Property from NX3 Neighborhood Mix District to RX1 Mixed-Use District for the conditional use purpose described above; and

WHEREAS, the Property is legally described as follows:

ALL OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., EXCEPT THE WEST 576 FEET; EXCEPT THE NORTH 155 FEET OF THE EAST 500 FEET: EXCEPT THE SOUTH 33 FEET; AND EXCEPT THE EAST 33 FEET, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 rezoning 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 May 18, 2020, by electronic means in accordance with the Governor’s and Mayor’s Proclamations.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

 **Roll Call Number**

Agenda Item Number

24

Date May 4, 2020

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.07)
(ZON2020-00032)

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk



April 28, 2020

Date May 4, 2020

Agenda Item 24

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 April 16, 2020 meeting, the following action was taken regarding a request from Scottish Rite Park, Inc. (owner) represented by Daniel J. Boor (officer) to rezone property located at 2909 Woodland Avenue from "NX3" Neighborhood Mix District to "RX1" Mixed-Use District, to allow for the applicant to request a Conditional Use for a business selling liquor, wine and/or beer as a restaurant in the "Bistro" within the residential complex.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 proposed rezoning to "RX1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Public/Semi-Public.", Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use and Part C) **APPROVAL** of rezoning the subject property from "NX3"

Neighborhood Mix District to “RX1” Mixed-Use District.

(ZON2020-00032)

Written Responses

19 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “RX1” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Public/Semi-Public.”

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use.

Part C) Staff recommends approval of rezoning the subject property from “NX3” Neighborhood Mix District to “RX1” Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property contains a residential development that provides independent and assisted living for seniors. The applicant is proposing to serve liquor, wine and beer through their on-site dining services. The proposed rezoning is necessary for the applicant to be able to request Conditional Use approval from the Zoning Board of Adjustment for this type of use.
2. **Size of Site:** 449,641 square feet or 10.32 acres.
3. **Existing Zoning (site):** “NX3” Neighborhood Mix District.
4. **Existing Land Use (site):** Independent and assisted living facility for seniors.
5. **Adjacent Land Use and Zoning:**
 - North** – “NX3” & “P2”; Uses are a one household dwelling owned by the applicant and Callanan Middle School.
 - South** – “N5”, “N5-2” & “N5-4”; Uses include one household dwellings and small multiple household dwellings.
 - East** – “N5”; Uses are one household dwellings.
 - West** – “NX2; Use is a large multiple household development.
6. **General Neighborhood/Area Land Uses:** The subject property is in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Woodland Heights Neighborhood. The neighborhood association was notified of the March 19,

2020 public hearing by mailing of the Preliminary Agenda on February 28, 2020 and by mailing of the Final Agenda on March 13, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 28, 2020 (20 days prior to March 19, 2020 hearing) and March 9, 2020 (10 days prior to the March 19, 2020 hearing) to the Woodland Heights Organization and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

A notice regarding postponement of the March 19, 2020 P&Z meeting was mailed on March 13, 2020 to the Woodland Heights Organization and all primary titleholders on file with the Polk County Assessor for each property within 250 feet of the site.

A notice of the April 16, 2020 electronic/Zoom meeting of the P&Z was mailed on April 3, 2020 to the Woodland Heights Organization and all primary titleholders on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on April 10, 2020.

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 on the date of the mailing. The Woodland Heights Organization notices were mailed to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

8. Relevant Zoning History: N/A.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Public/Semi-Public.

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 “Public/Semi-Public” to “Neighborhood Mixed Use”. Plan DSM describes these designations as follows:

Public/Semi-Public: Areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections 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. 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 the Commercial Cottage, General Building, Civic Building, Principal-Use Parking Structure, Flat Building and Row Building.

Staff believes the proposed amendment is appropriated given the large scale of the subject property and the fact that it is separated from one household dwellings in the area by streets.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.
3. **Grading & Storm Water Management:** Any 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.

SUMMARY OF DISCUSSION

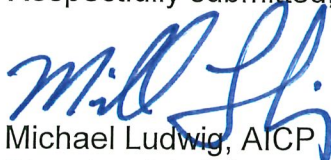
Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes made a motion for approval of Part A) the proposed rezoning to “RX1” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Public/Semi-Public.”, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use and Part C) **APPROVAL** of rezoning the subject property from “NX3” Neighborhood Mix District to “RX1” Mixed-Use District.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

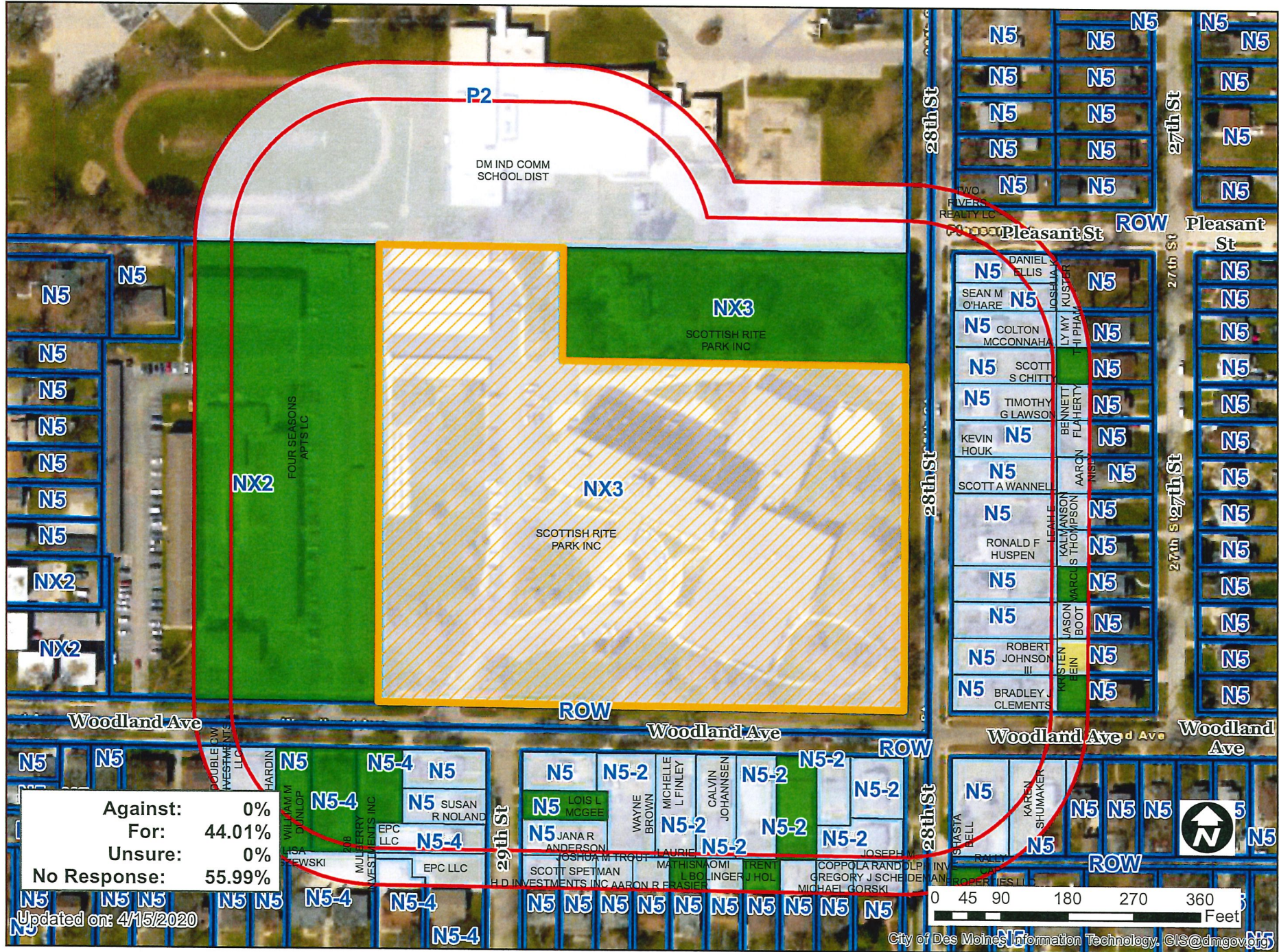
Scottish Rite Park, Inc. (owner) represented by Daniel J. Boor (officer) for property located at 2909 Woodland Avenue.			File # ZON2020-00032	
Description of Action	Rezone property from "NX3" Neighborhood Mix District to "RX1" Mixed-Use District, to allow for the applicant to request a Conditional Use for a business selling liquor, wine and/or beer as a restaurant in the "Bistro" within the residential complex.			
PlanDSM Future Land Use	Current: Public/Semi-Public. Proposed: Neighborhood Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"NX3" Neighborhood Mix District.			
Proposed Zoning District	"RX1" Mixed-Use District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	19	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Scottish Rite Park, Inc., 2909 Woodland Avenue

ZON2020-00032



1 inch = 173 feet



718

Item: ZON2020-00032 Date: 10/11/2020 24

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

(Circle One)

Print Name: ZOB MULBERRY INV.

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Signature]

APR 03 2020

Address: 2908 WOODLAND AVE.

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

Item: ZON2020-00032 Date: 3-12-2020

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

(Circle One)

Print Name: Danijel J. Bos

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Signature]

APR 03 2020

Address: 2909 Woodland Ave.

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

This is a great opportunity for the
Residents who live @ Scottish Rite Park -

Item: ZON2020-00032

Date: 3/11/20 24

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

(Circle One)

Print Name: HAROLD LEE WAGNER



Signature: [Handwritten Signature]

Address: 2701 WOODLANDS AVE

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

Four horizontal lines for providing reasons.

Item: ZON2020-00032

Date: 3-11-20

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

(Circle One)

Print Name: JAMAAL ALLAN



Signature: [Handwritten Signature]

Address: 652 27th St. DSU 50312

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

Four horizontal lines for providing reasons.

Item: ZON2020-00032 Date: 3/16/2020 24

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

(Circle One)

Print Name: Ryan Francois, Rally Cap Prop.

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 03 2020

Address: 2723 High Street, DSM 50312

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

Item: ZON2020-00032 Date: 3/23/2020

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

(Circle One)

Print Name: Trent Hgl

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 03 2020

Address: 2813 High Street DSM

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

Item: ZON2020-00032 Date: 3-16-20 24

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

(Circle One)

Print Name: KRIS BEIN

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 03 2020

Address: 644 27th St. DSM

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

I DONT HAVE AN OPINION, BUT I APPRECIATE IT
WHEN DEMOCRACY WORKS WELL & OPPORTUNITIES
TO PARTICIPATE IN CIVIL SOCIETY.

Item: ZON2020-00032 Date: 3/18/20

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

(Circle One)

Print Name: Steven Koethe

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 03 2020

Address: 3003 Woodland Ave

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

It will be good for the neighborhood.

Item: ZON2020-00032

Date: 3/11/20

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

(Circle One)

Print Name: William Dunlop

RECEIVED
COMMUNITY DEVELOPMENT

Signature: William Dunlop

APR 03 2020

Address: 2920 Woodlawn

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

SLP has been a huge plus for this neighborhood and I don't expect that to change in the future. Therefore, I support the request.

Item: ZON2020-00032

Date: 3/13/2020 24

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

(Circle One)

Print Name: Morgan Dredge

RECEIVED
COMMUNITY DEVELOPMENT

Signature: *Morgan Dredge*

APR 03 2020

Address: 2721 High St Des Moines
Iowa 50312

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

Item: ZON2020-00032

Date: 3/12/2020

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

(Circle One)

Print Name: Amy Johnson

RECEIVED
COMMUNITY DEVELOPMENT

Signature: *Amy Johnson*

APR 03 2020

Address: 6808 Panorama Dr. Lincoln Ia
50216

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

Great addition to the SRP community
and neighborhood!

Item: ZON2020-00032

Date: 3/11/20 24

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

(Circle One)

Print Name: Melisa Klimaszewski

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Melisa Klimaszewski

APR 13 2020

Address: 2925 High St. Des Moines, IA 50316

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

Item: ZON2020-00032

Date: 4-10-2020

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

(Circle One)

Print Name: Lois L. McGEE

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Lois L. McGee

APR 13 2020

Address: 219-29th St

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

Why not ???

Item: ZON2020-00032 Date: 4/6/2020

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

(Circle One)

Print Name: Ryan Francois Rally Cap Pop

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 13 2020

Address: 2723 High Street

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

Item: ZON2020-00032 Date: 4/7/2020

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

(Circle One)

Print Name: Trent Hol

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

APR 13 2020

Address: 2813 High Street

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

Does not seem to effect me in any way. They should do whatever they want inside the building.

Item: ZON2020-00032

Date: 4-7-2020

24

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

(Circle One)

Print Name: LING WONG

RECEIVED
COMMUNITY DEVELOPMENT

Signature: LF

APR 10 2020

Address: 2908/2912 WOODLAND AVE

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

Four horizontal lines for providing reasons for opposing or approving the request.

Item: ZON2020-00032

Date: 4-6-2020

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

(Circle One)

Print Name: Laurie Mathis

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Laurie Mathis

APR 13 2020

Address: 2825 High St DM 50362

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

Four horizontal lines for providing reasons for opposing or approving the request.

Item: ZON2020-00032

Date: 4-6-2020²⁴

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

(Circle One)

RECEIVED
COMMUNITY DE

APR 10 2020

Print Name: Irene Wachter

Signature: Irene M Wachter

Address: 680 27th St

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

They already serve where the residents bring to the dining room. They might as well be able to serve to residents that cannot leave the facility

Item: ZON2020-00032

Date: 4-6-2020

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

APR 10 2020

Print Name: JAMIAI AUCAN

Signature: J. A. Aucan

Address: 652 27th St

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

