



**Date** September 14, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM ANCHOR INVESTMENT GROUP, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 827 SHAW STREET**

**WHEREAS**, on August 17, 2020, by Roll Call No. 20-1321, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2020, its members voted 12-0-1 in support of a motion to recommend **DENIAL** of a request from Anchor Investment Group, LLC (owner), represented by Michael Donlin (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 827 Shaw Street (“Property”) from Low-Medium Density Residential to High Density Residential, in order to retain density allowance at the current 12 unit per net acre maximum under a Low-Medium Density Residential designation for any proposed or future development rather than increase density allowance to 17 units per acre minimum under a High Density Residential designation; and

**WHEREAS**, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 6, 2020, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Anchor Investment Group, LLC to rezone the Property from N3c Neighborhood District to NX2 Neighborhood Mix District to allow demolition of the existing residential structure and detached garage and redevelopment of the Property for residential purposes; and

**WHEREAS**, on August 17, 2020, by Roll Call No. 20-1321, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on September 14, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed land use amendment and rezoning, 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 827 Shaw Street, legally described as:

The East ½ of Lot 5 and all of Lot 6 in WILLIAMS & GARVER’S SUBDIVISION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa



Date September 14, 2020

from N3c Neighborhood District to NX2 Neighborhood Mix District to allow demolition of the existing residential structure and detached garage and redevelopment of the Property for residential purposes.

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 future land use designation or rezoning of the Property to NX2 Neighborhood Mix District 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 827 Shaw Street to High Density Residential is hereby denied.
3. The proposed rezoning of the Property, as legally described above, to NX2 Neighborhood Mix District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

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

(21-2020-4.11)
(ZON2020-00072)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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





Date September 14, 2020  
 Agenda Item 81  
 Roll Call # \_\_\_\_\_

August 11, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 6, 2020 meeting, the following action was taken regarding a request from Anchor Investment Group, LLC represented by Michael Donlin (officer) to rezone property located at 827 Shaw Street from “N3c” Neighborhood District to “NX2” Neighborhood Mix District, to allow demolition of the existing House Building Type and detached garage with Household Living and redevelop with a 5-Unit Row Building Type with Household Living.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath			X	
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	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 “NX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low-Medium Density Residential.”, Part B) **DENIAL** of the request to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential. Thereby, limiting any future

development of the site to a density determined to be in conformance with the Low-Medium Density Residential designation and Part B) **APPROVAL** of rezoning the subject property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District.  
(21-2020-4.11) & (ZON2020-00072)

Written Responses

0 in Favor  
3 in opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning to “NX2” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low-Medium Density Residential.”

Part B) Staff recommends denial of the request to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential. Thereby, limiting any future development of the site to a density determined to be in conformance with the Low-Medium Density Residential designation.

Part B) Staff recommends approval of rezoning the subject property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow the site to be redeveloped with a rowhouse product. The applicant has submitted a site sketch and conceptual building elevations that indicate the project would consist of one rowhouse structure containing five units. All of the units would be oriented towards SE 9<sup>th</sup> Street with rear loaded garages accessed from a shared driveway located along the rear (west) property line.
2. **Size of Site:** 132 feet by 75 feet (9,900 square feet or 0.227 acres).
3. **Existing Zoning (site):** “N3c” Neighborhood District.
4. **Existing Land Use (site):** The site contains a one household dwelling.
5. **Adjacent Land Use and Zoning:**

**North** – “N3c”; Uses are one household dwellings.

**South** – “N3c”; Uses are one household dwellings.

**East** – “N3c”; Uses are one household dwellings.

**West** – “N3c”; Uses are one household dwellings.



6. **General Neighborhood/Area Land Uses:** The subject property is located east of the Des Moines River and south of East Martin Luther King, Jr. Parkway in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the July 16, 2020 public hearing by mailing of the Preliminary Agenda on June 26, 2020 and by mailing of the Final Agenda on July 10, 2020. A Final Agenda for the August 6, 2020 meeting was mailed on July 31, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days prior to the July 16, 2020 public hearing) and on July 6, 2020 (10 days prior to the July 16, 2020 public hearing) to the Historic East Village 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 Development Division on the date of the mailing. The Historic East Village Neighborhood notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** 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 subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. Plan DSM describes this designation 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.

The applicant is proposing to rezone the property from “N3c” Neighborhood District to “NX2” Neighborhood Mix District. The Zoning Ordinance states that “NX2 is intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.” Building types allowed in this district include the Civic Building, Flat Building, Row Building and House D.

The “NX2” District can be found in conformance with the “Low-Medium Density Residential” designation so long as the development complies with the 12 unit per net acre maximum. The applicant has indicated that their intent is to construct 5 units on the 0.227-acre site. This equates to 22 units per acre, which requires the “High Density Residential” designation. Plan DSM describes this designation as follows:

High Density Residential: Areas developed with primarily higher intensity multi-family housing with a minimum density over 17-units per net acre.

The surrounding area is close to the downtown and is at the edge of the emerging Market District area. It is conceivable that high density development could be appropriate in this area. However, staff believes that should only occur at the edges of the area or if enough land is assembled to allow a logical transition. The subject parcel is not large enough to provide a logical transition from the lower density of the nearby properties.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance.
4. **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.
5. **Utilities:** All necessary utilities are located within the adjoining street rights-of-way.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Johnny Alcivar asked if the applicant would need to come back to the commission for the appropriate density to be approved?

Jason Van Essen stated the staff recommendation would limit them to 3 units on the subject parcel or they could try to acquire more land. The proposed zoning conforms with the existing land use plan designation but the intended density would not.

Greg Wattier asked if the max would be 3 units if staff recommendation was approved?

Jason Van Essen stated that is correct.

*Applicant was not present.*

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

None were present or requested to speak

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**



**COMMISSION ACTION:**

Johnny Alcivar made a motion for approval of Part A) the proposed rezoning to "NX2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low-Medium Density Residential.", Part B) **DENIAL** of the request to amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential. Thereby, limiting any future development of the site to a density determined to be in conformance with the Low-Medium Density Residential designation and Part B) **APPROVAL** of rezoning the subject property from "N3c" Neighborhood District to "NX2" Neighborhood Mix District.

Motion passed: 12-0-1

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JVE:tjh

<b>Request from Anchor Investment Group, LLC represented by Michael Donlin (officer) for the following for property located at 827 Shaw Street.</b>		<b>File #</b>			
		21-2020-4.11			
<b>Description of Action</b>	Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential.				
<b>PlanDSM Future Land Use</b>	Current: Low-Medium Density Residential Proposed: High Density Residential				
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"N3c" Neighborhood District.				
<b>Proposed Zoning District</b>	"NX2" Neighborhood Mix District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Outside Area (200 feet)</b>	0	0			
<b>Within Subject Property</b>					
<b>Plan and Zoning Commission Action</b>	Approval		<b>Required 6/7 Vote of the City Council</b>	Yes	X
	Denial	X		No	

Anchor Investment Group, LLC, 827 Shaw Street

21-2020-4.11



1 inch = 92 feet



<b>Request from Anchor Investment Group, LLC represented by Michael Donlin (officer) for the following for property located at 827 Shaw Street.</b>		<b>File #</b> ZON2020-00072		
<b>Description of Action</b>	Rezone property from "N3c" Neighborhood District to "NX2" Neighborhood Mix District, to allow demolition of the existing House Building Type and detached garage with Household Living and redevelop with a 5-Unit Row Building Type with Household Living.			
<b>PlanDSM Future Land Use</b>	Current: Low-Medium Density Residential. Proposed: High Density Residential.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"N3c" Neighborhood District.			
<b>Proposed Zoning District</b>	"NX2" Neighborhood Mix District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Outside Area (200 feet)</b>	0	3		
<b>Within Subject Property</b>				
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

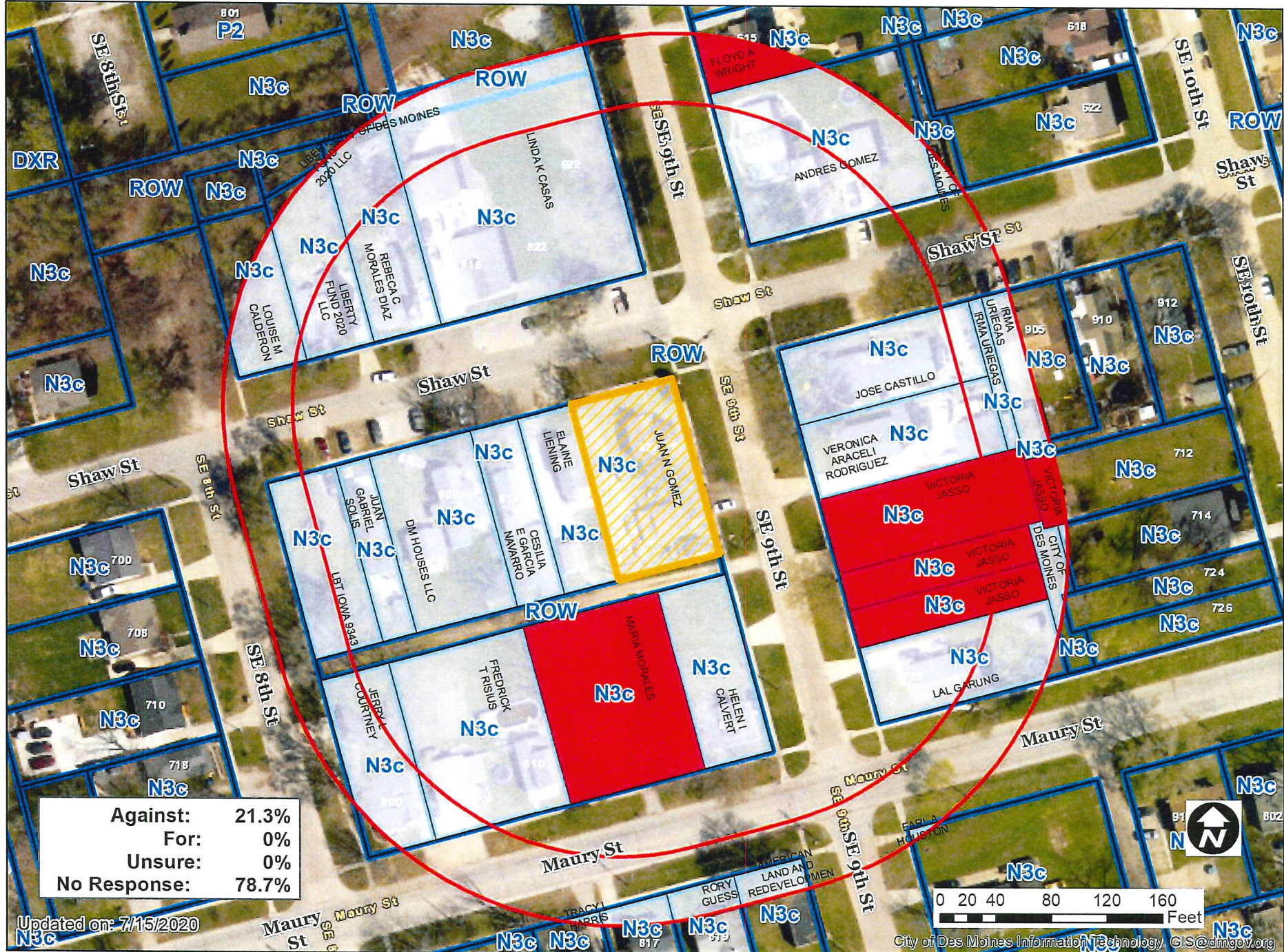
Anchor Investment Group, LLC, 827 Shaw Street

ZON2020-00072



1 inch = 92 feet





81



Item: ZON2020-00072 Date: 7.8.2020

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

Print Name: Maria Morales

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 14 2020

Signature: Maria Morales

Address: 812 Maury St.

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

1. Too small of a lot to build a 5-Unit Row building
2. Parking



Item: ZON2020-00072

Date: July 12-2021 <sup>81</sup>

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

(Circle One)

Print Name: Victoria Jasso

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 15 2020

Signature: Victoria Jasso

Address: 715 SE 9th st

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

To Small Area, 9th st has enough traffic going by, Don't more taxes added on rather see One single family moving in our neighborhood, buyers take care of there homes, rents don't care.

Item: ZON2020-00072

Date: July 10, 2021

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

(Circle One)

Print Name: KATHLEEN M. WRIGHT

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 15 2020

Signature: Kathleen M. Wright

Address: 615 S.E. 9th Street

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

I have protested my property taxes several time. I lost once and have won my protest twice. I think this rezoning will make it difficult to win again.