



Date June 14, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM TERRACE HILL I, LLC,
TO REZONE PROPERTY LOCATED AT 2525 GRAND AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 20, 2021, its members voted 11-0 support of a motion to recommend **APPROVAL** of a request from Terrace Hill I, LLC, (Owner), represented by Doug Saltgaver (officer), to rezone the real property locally known as 2525 Grand Avenue (“Property”), from ‘RX2’ Mixed Use District to Limited ‘MX3’ Mixed Use District, to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a Bar associated with reuse of the property for a Hotel, subject to the conditions as follows:

1. That Permitted and Conditional Uses shall be limited as follows:
 - a. Any use as permitted and limited in the ‘RX2’ District, or
 - b. A Bar use associated with a Hotel use; and

WHEREAS, the Property is legally described as follows:

LOTS 8 AND 10 IN J. BAMPF PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE SOUTH 32.5 FEET OF THE EASTERMOST 120.3 FEET MEASURED ON THE SOUTH LINE THEREOF, OF LOT 8 IN J. BAMPF PLACE.

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 June 28, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
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.

MOVED BY _____ TO ADOPT.

★ Roll Call Number

Agenda Item Number

24

Date June 14, 2021

FORM APPROVED: Judy K Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(ZON2021-00048)

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



Date June 14, 2021
Agenda Item _____
Roll Call # _____

June 8, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 20, 2021 meeting, the following action was taken regarding a request from Terrace Hill I, LLC (owner) represented by Doug Saltsgaver (officer) to rezone property located at 2525 Grand Avenue from "RX2" Mixed Use District to "MX3" Mixed Use District, to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a Bar associated with reuse of the property for a Hotel.

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			
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 "MX3" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Community Mixed Use" within a "Neighborhood Node."

Part B) **Approval** of rezoning the subject property from “RX2” Mixed Use District to “MX3” Mixed Use District, subject to the following conditions:

- 1) Permitted and Conditional Uses shall be limited as follows:
 - a. Any use as permitted and limited in the “RX2” District, or
 - b. A bar use associated with a hotel use. (ZON2021-00048)

Written Responses

3 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “MX3” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use” within a “Neighborhood Node.”

Part B) Staff recommends the subject property be rezoned from “RX2” Mixed Use District to “MX3” Mixed Use District, subject to the following conditions:

- 1) Permitted and Conditional Uses shall be limited as follows:
 - a. Any use as permitted and limited in the “RX2” District, or
 - b. A bar use associated with a hotel use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The building is planned for conversion from a multiple-household use to a hotel use. The rezoning would allow the property to be eligible to request a Conditional Use approval by the Zoning Board of Adjustment for a bar use associated with the hotel use.
2. **Size of Site:** 44,910 square feet or 1.03 acres.
3. **Existing Zoning (site):** “RX2” Mixed Use District.
4. **Existing Land Use (site):** The site contains a three-story building that was originally constructed for a hotel use and later converted a multiple-household residential use.
5. **Adjacent Land Use and Zoning:**

North – “MX3”; Use is a restaurant (former Abelardo’s Mexican Restaurant, which is being converted to Starbucks).

South – “RX2”; Uses include a 1-story office building, Grand Avenue, and a 4-story office building.

East – “MX2”; Use is a 4-story office building.

West – “MX2”; Uses are retail (Dollar General) and restaurant (Taco Johns).

6. General Neighborhood/Area Land Uses: The subject property is located between the Ingersoll Avenue and Grand Avenue corridors, which contain a mix of commercial and multiple-family residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is within 250 feet of the Woodland Heights Organization Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on April 30, 2021 and by mailing of the Final Agenda on May 14, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 30, 2021 (20 days prior to the January 21, 2021 public hearing) and May 20, 2021 (10 days prior to the January 21, 2021 public 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.

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.

The applicant mailed the required neighborhood outreach letter on April 20, 2021. They will be available to provide a summary of those communications at the hearing.

8. Relevant Zoning History: N/A.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Community Mixed Use within Neighborhood Nodes centered along Ingersoll Avenue at both 23rd Street and 28th Street.

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 “Community Mixed Use” and located in a “Neighborhood Node” on the Future Land Use Map. Plan DSM describes these designations as follows:

Community Mixed Use: Small scale mixed use development, located on high capacity transit corridors or at the intersections of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

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 applicant is proposing to rezone the property from “RX2” District to the “MX3” District. The “RX3” District would allow the property to be eligible to request a Conditional Use approval by the Zoning Board of Adjustment for a bar use associated with the hotel use. Furthermore, the appellant has requested the “MX3” District instead of the “MX2” District since the “MX2” District only allows a hotel use on the upper stories of a building.

The Zoning Ordinance states that the “MX3 is intended for mixed-use, nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobiles. This district accommodates higher intensity uses at a smaller scale.” Building types allowed in this district include Storefront, Commercial Cottage, Commercial Center, Civic Building and Principal Use Parking Structure.

Staff believes that the proposed “MX3” District is appropriate for the character of the area so long as permitted and conditional uses are limited to either any use as permitted and limited in the “RX2” District, or a bar use associated with a hotel use.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

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COMMISSION ACTION:

Jann Freed made a motion for:

Part A) the proposed rezoning to "MX3" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Community Mixed Use" within a "Neighborhood Node."

Part B) **Approval** of rezoning the subject property from "RX2" Mixed Use District to "MX3" Mixed Use District, subject to the following conditions:

- 1) Permitted and Conditional Uses shall be limited as follows:
 - a. Any use as permitted and limited in the "RX2" District, or
 - b. A bar use associated with a hotel use.

Motion passed: 11-0

Respectfully submitted,



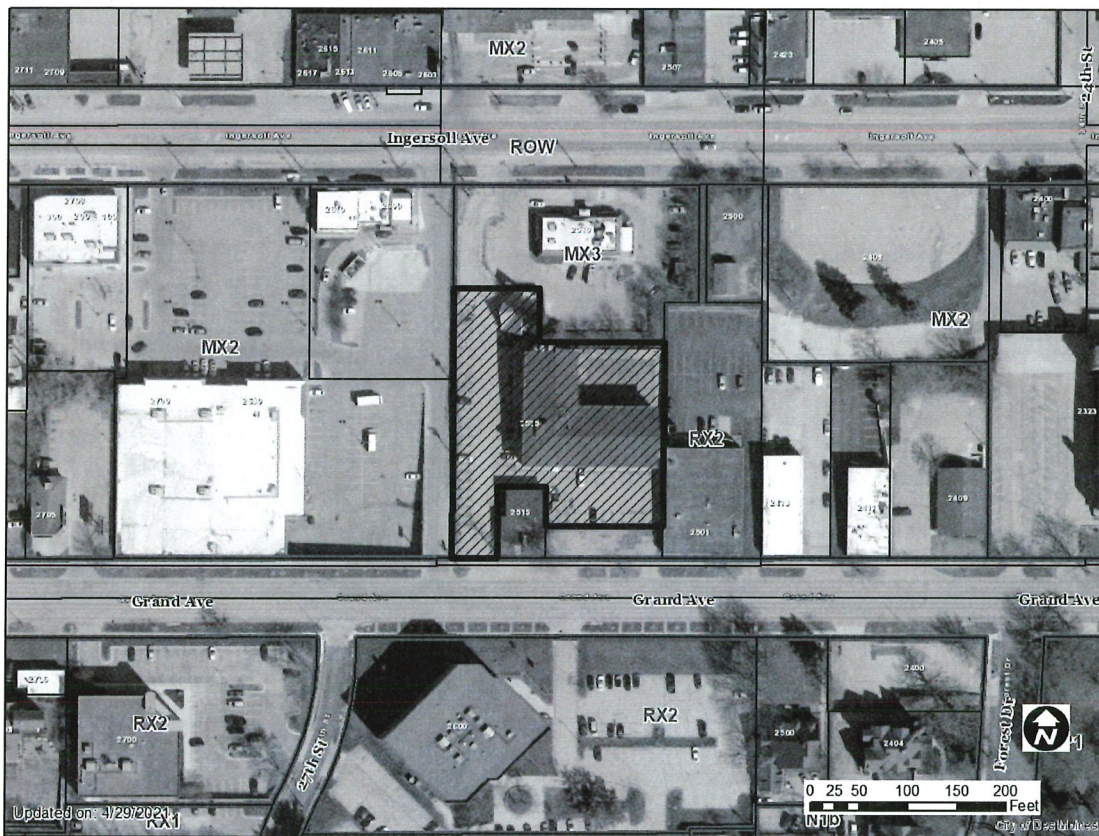
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

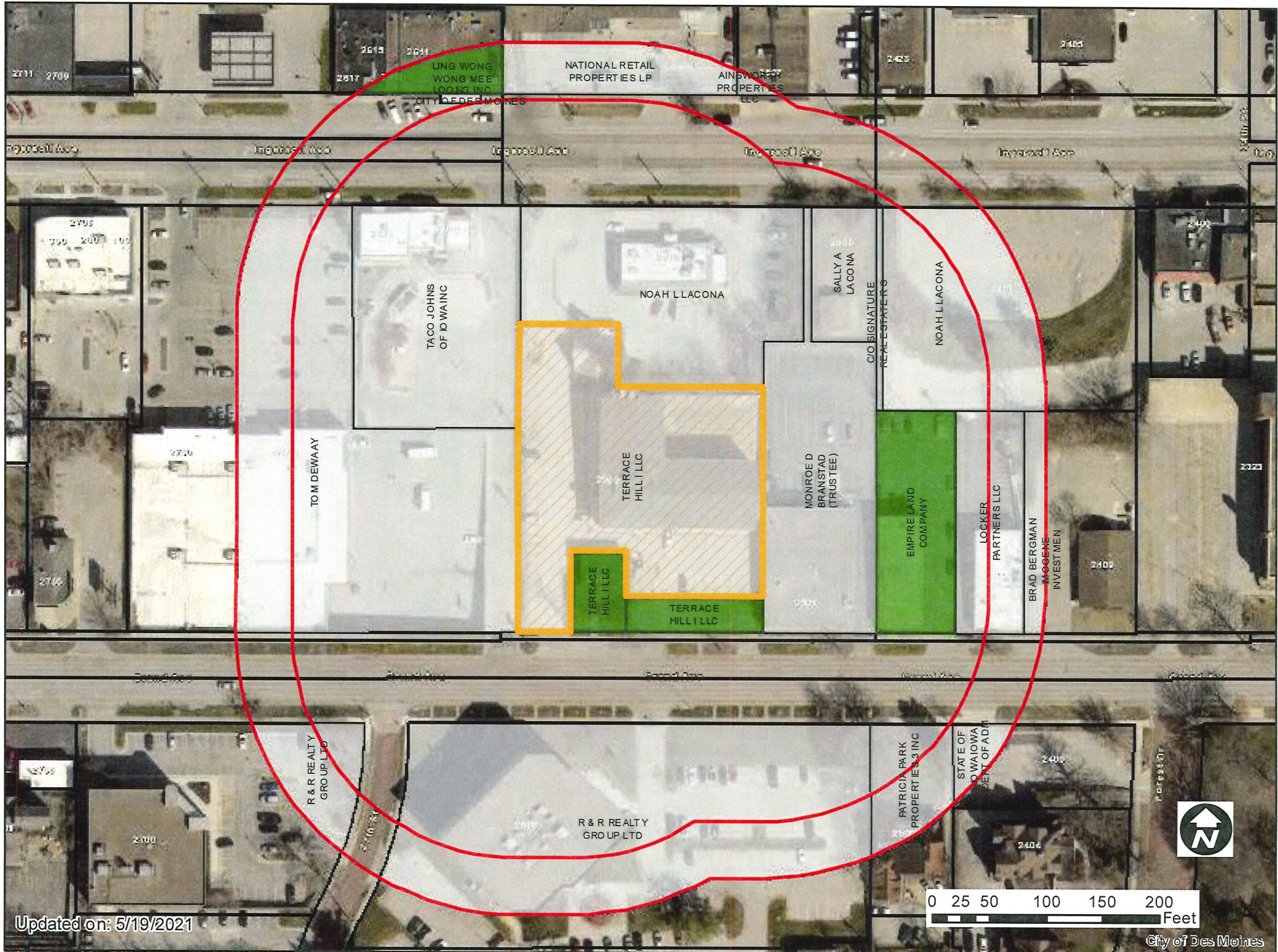
Request from Terrace Hill I, LLC (owner) represented by Doug Saltsgaver (officer) for property located at 2525 Grand Avenue.			File # ZON2021-00048		
Description of Action	Rezone property from "RX2" Mixed Use District to "MX3" Mixed Use District, to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a Bar associated with reuse of the property for a Hotel.				
PlanDSM Future Land Use	Current: Community Mixed Use in a Neighborhood Node. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"RX2" Mixed Use District				
Proposed Zoning District	"MX3" Mixed Use District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	3	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Terrace Hill I, LLC, 2525 Grand Avenue

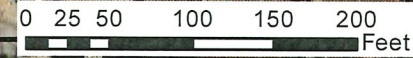
ZON2021-00048



1 inch = 113 feet



Updated on: 5/19/2021



City of Des Moines

1 inch = 113 feet

Item: ZON2021-00048

Date: 05/12/21 ²⁴

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: _____

Name: Doug Saltzgavel

Address: 2413 Grand Ave.

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

The project will greatly improve
the area.

Item: ZON2021-00048

Date: 5-10-2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: _____

Name: LING WONG

Address: 2626 THORNTON AVE.

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

Item: ZON2021-00048

Date: 5/13/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: Jake Christensen

Address: Terrace Hill I LLC
215 E 300 St. DSM

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAY 14 2021

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

