



Date June 28, 2021

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

WHEREAS, on June 14, 2021, by Roll Call No. 21-0855, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Terrace Hill I, LLC (owner), represented by Doug Saltsgaver (officer), to rezone the real property locally known as 2525 Grand Avenue (“Property”) from ‘RX2’ Mixed 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, on June 14, 2021, by Roll Call No. 21-0085, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on June 28, 2021 at 5:00 P.M., in the 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 proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed 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 2525 Grand Avenue, legally described as:

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 EASTERNMOST 120.3 FEET MEASURED ON THE SOUTH LINE THEREOF, OF LOT 8 IN J. BAMPF PLACE.

from ‘RX2’ Mixed District to Limited ‘MX3’ Mixed Use District, for the purpose and 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



Roll Call Number

Agenda Item Number

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of counsel, any objections to the proposed rezoning of the Property to Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.

- The proposed rezoning of the Property, as legally described above, to Limited MX3 Mixed Use 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: 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 28, 2021

Agenda Item 61

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 Saltgaver (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.

COMMISSION ACTION:

Jann Freed made a motion for:

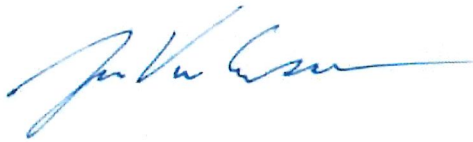
Part A) the proposed rezoning to "MX3" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Community Mixed Use" within a "Neighborhood Node."

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,



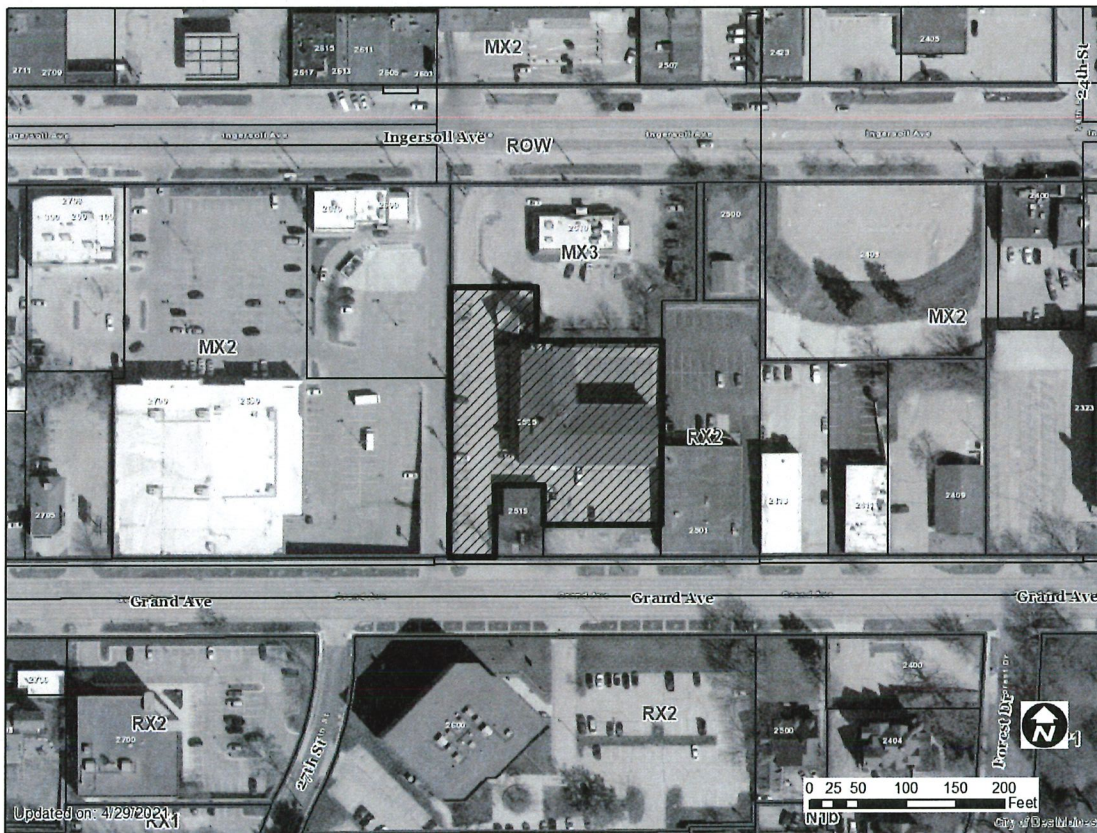
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

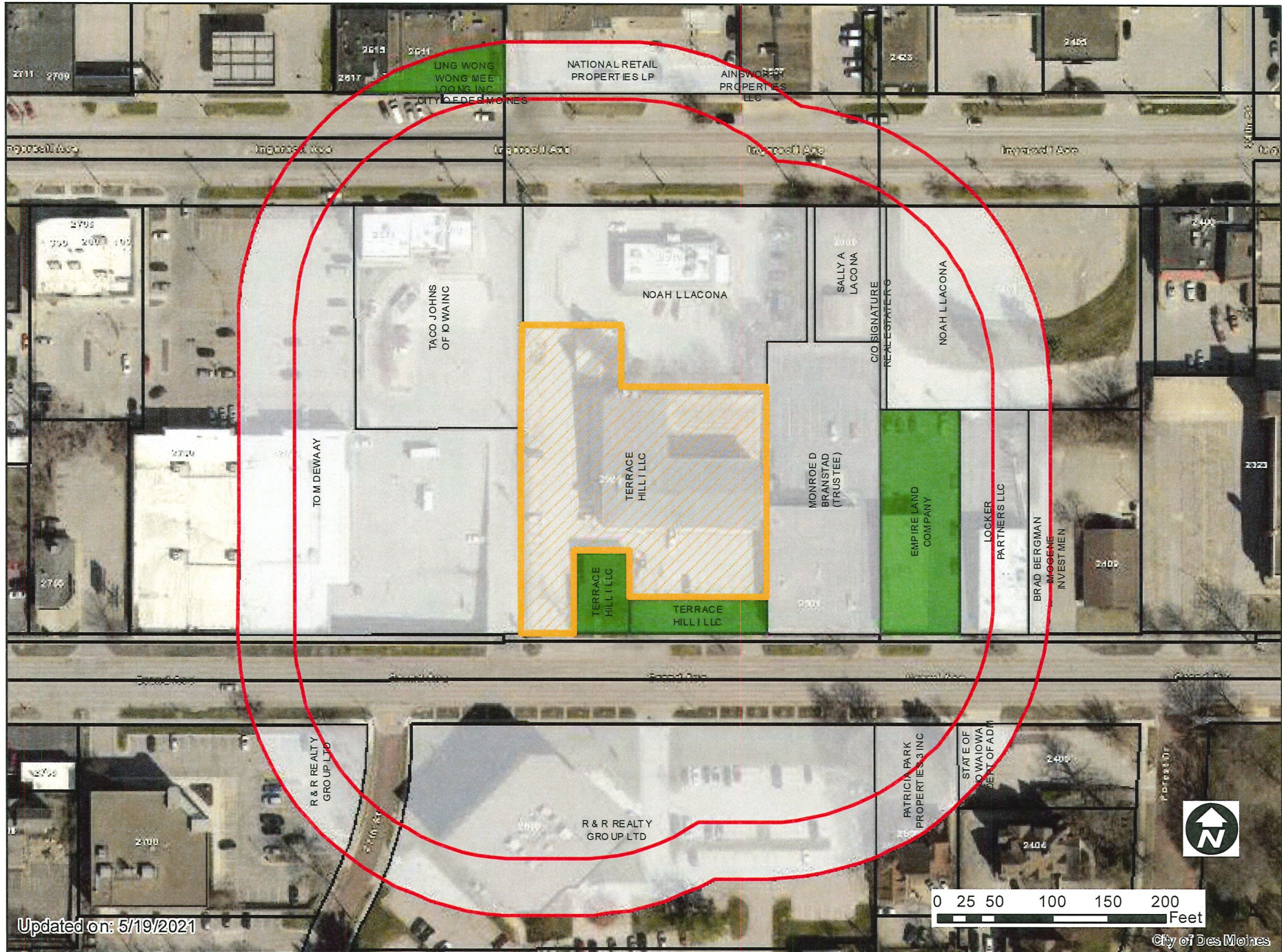
| | | | | | |
|--|--|--------------|---------------------------------------|-------------------------|---|
| Request from Terrace Hill I, LLC (owner) represented by Doug Saltsgaver (officer) for property located at 2525 Grand Avenue. | | | | File # ZON2021-00048 | |
| Description of Action | Rezone property 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 Outside Area (200 feet) Within Subject Property | In Favor | Not In Favor | Undetermined | % Opposition | |
| | 3 | 0 | | | |
| 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

1 inch = 113 feet

60

Item: ZON2021-00048

Date: 05/12/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: Doug Saltzgravel

Address: 2413 Grand Ave.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

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

Signature: _____

Name: LING WONG

Address: 2626 THORNTON AVE.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

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:

Address:

[Handwritten Signature]
Jake Christensen
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:
