

Date August 9, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM KG STORE 543, LLC TO REZONE PROPERTY IN THE VICINITY OF 1619 INGERSOLL AND 1620 HIGH STREET, AND TO RECEIVE AND FILE REQUEST TO VACATE LINDEN STREET FROM 17TH STREET TO INGERSOLL AVENUE AND 16TH STREET FROM INGERSOLL AVENUE TO THE SOUTHERN LINE OF THE EAST-WEST ALLEY BETWEEN 15TH STREET AND 16TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 15, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from KG Store 543, LLC (Owner), represented by Gerard Haberman (officer), to rezone real property locally known as 1619 Ingersoll Avenue from ‘DX2’ Downtown District to ‘MX2’ Mixed Use District (“Property 1”) and 1620 High Street from ‘RX1’ Mixed Use District to ‘MX2’ Mixed Use District (“Property 2”) to allow the reuse of the property at 555 17th Street for a microbrewery with additional commercial uses; and

WHEREAS, the City Plan and Zoning Commission further advised that at a public hearing held on July 15, 2021, its members voted 12-0 to recommend **APPROVAL** of a request from KG Store 543, LLC (Owner), represented by Gerard Haberman (officer), to vacate Linden Street from 17th Street from Ingersoll Avenue and 16th Street from Ingersoll Avenue to the southern line of the east-west alley between 15th Street and 16th Street, to allow reuse of the property at 555 17th Street for a microbrewery with additional commercial uses, subject to reservation of any necessary easements for existing utilities until such time that utilities are abandoned or relocated at the applicant’s expense.

WHEREAS, the Property 1 and Property 2 are legally described as follows:

Property 1 – 1619 Ingersoll Avenue

AREA "A" IN THE CRESCENT CHEVROLET ALTA/ACSM LAND TITLE SURVEY FILED IN BOOK 12622, PAGE 65 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 72 FEET OF LOT ONE (1) AND THE WEST HALF OF LOT TWO (2) IN BLOCK “D” IN SUBDIVISION OF LOT NO. 6 OF THE PURSLEY ESTATE CONTAINING 13.06 ACRES, AN OFFICIAL PLAT (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES RECORDED IN BOOK 2583 AT PAGE 87), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(GeoParcl 7824-05-483-001)

S 6F VAC ST N & ADJ LTS 1 & 2 & N & ADJ W7F LT 3 BLK D SD LT 6 OF 13.06A PURSLEY ESTATE

and

Property 2 -1620 High Street

Date August 9, 2021

A PORTION OF AREA "B" IN THE CRESCENT CHEVLORET ALTA/ACSM LAND TITLE SURVEY FILED IN BOOK 12622, PAGE 65 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT ONE (1) AND THE WEST 1/2 OF LOT TWO (2) IN BLOCK "B" IN SUBDMSION OF LOT NO. 6 OF THE PURSLEY ESTATE CONTAINING 13.06 ACRES, AN OFFICTAL PLAT, 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, with the vacation request to be referred to the Engineering Department, Real Estate Division.
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 August 23, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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.

MOVED BY _____ TO ADOPT.

FORM APPROVED: _____

Judy K. Parks-Kruse
Assistant City Attorney

(ROWV2021-00001)
(ZON2021-00077)

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 August 9, 2021
Agenda Item 17
Roll Call # _____

July 22, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 15, 2021 meeting, the following action was taken regarding a request from KG Store 543, LLC (owner) represented by Gerard Haberman (officer), for the following regarding property generally located at 1619 Ingersoll Avenue and 1620 High Street. A small portion of the property is owned by the City of Des Moines.

- A) Vacation of Linden Street from 17th Street to Ingersoll Avenue and 16th Street from Ingersoll Avenue to the southern line of the vacated east-west alley between 15th Street and 16th Street.
- B) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- C) Rezone property in the vicinity of 1619 Ingersoll Avenue from "DX2" Downtown District to "MX2" Mixed Use District and property at 1620 High Street from "RX1" Mixed Use District to "MX2" Mixed Use District, to allow reuse of the property at 555 17th Street for a microbrewery with additional commercial uses.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 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
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier			X	
Emily Webb	X			

APPROVAL of Part A) **APPROVAL** of the requested vacations subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant’s expense.

Part B) the requested rezoning is in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part C) **APPROVAL** of the proposed rezoning of the subject properties from “DX2” Mixed Use District and “RX1” Mixed Use District to “MX2” Mixed Use District.
(ROWV-2021-000001) & (ZON2021-00077)

Written Responses

11 in Favor
1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacations subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant’s expense.

Part B) Staff recommends that the requested rezoning be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part C) Staff recommends approval of the proposed rezoning of the subject properties from “DX2” Mixed Use District and “RX1” Mixed Use District to “MX2” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is proposing to redevelop the site, primarily with a microbrewery use. Portions of the site are currently zoned “DX2” Mixed Use District and “RX1” Mixed Use District, while the balance of the site is zoned “MX2” District. The proposed rezonings would facilitate redevelopment of the site and would allow the Limited Industrial: Fabrication and Production use category that governs a microbrewery use. Any future construction or site improvements would be subject to compliance with a site plan.

The applicant is also proposing to vacate the public rights-of-way of 16th Street between Ingersoll Avenue to the southern line of the vacated east-west alley between 15th Street and 16th Street and Linden Street between Ingersoll Avenue and 17th Street. The requested vacations would facilitate the assemblage and development of the adjoining properties owned by the applicant.

- 2. **Size of Site:** A combined approximately 83,658 square feet (1.92 acres).
- 3. **Existing Zoning (site):** “RX1” Mixed Use District and “DX2” Mixed Use District.
- 4. **Existing Land Use (site):** The subject properties to be rezoned consist of three parcels including 1619 Ingersoll Avenue, 1620 High Street, and a small, vacated right-of-way parcel adjoining the northern property line of 1619 Ingersoll Avenue. The property at 1620 High Street is zoned “RX1” and contains a 2,496 square-foot, 1-story warehouse and paved surface parking lot. The properties in the vicinity of 1619 Ingersoll Avenue are zoned “DX2” and contain a small, paved surface parking lot.

The subject areas for requested vacations of public rights-of-way including Linden Street between Ingersoll Avenue and 17th Street and 16th Street between Ingersoll Avenue to the southern line of the vacated east-west alley between 15th Street and 16th Street.

5. **Adjacent Land Use and Zoning:**

- North** – “RX1”; Uses are commercial in nature.
- South** – “DX2”; Uses are office and rowhouse residential.
- East** – “MX2” & “RX1”; Uses are commercial in nature.
- West** – “RX1” & “MX2”; Uses are commercial and a multiple-household dwelling.

- 6. **General Neighborhood/Area Land Uses:** The subject properties are located on the north side of Ingersoll Avenue between 16th Street and 17th Street and south of High Street. The area contains a mix of commercial, office, and residential uses.
- 7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Sherman Hill Neighborhood and within 250 feet of the Downtown Des Moines Neighborhood. The neighborhood associations were notified of the public hearing by

mailing of the Preliminary Agenda on June 25, 2021 and by mailing of the Final Agenda on July 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on June 25, 2021 (20 days prior to public hearing) and July 2, 2021 (10 days prior to the public hearing) to the neighborhood associations 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 Services Department on the date of the mailing. The Sherman Hill Neighborhood Association mailings were sent to Ryan Howell, 831 16th Street, Des Moines, IA 50314. The Downtown Des Moines Neighborhood Association mailings were sent to Sebastian Hamirani, 1400 Walnut Street, Unit 413, Des Moines, IA 50309.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.

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.

Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. **ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Downtown Mixed Use” on the Future Land Use Map. PlanDSM describes this designation as follows:

DOWNTOWN MIXED USE

Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.

The applicant is proposing to rezone portions of the site from “DX2” Mixed Use District and “RX1” Mixed Use District to “MX2” Mixed Use District. The remaining balance of

the site is zoned "MX2" District currently. The Zoning Ordinance states that "MX2" is intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking. Staff believes that the requested rezoning would be in conformance with the land use designation of Downtown Mixed Use.

- 2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the existing use can be expanded.
- 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.
- 4. **Streets/Sidewalk:** The requested vacations would not negatively impact access to private properties or traffic patterns in the broader area.
- 5. **Utilities:** There is an existing hydrant located on the northwest corner of the 16th Street and Linden Street intersection, an air release valve within the Linden Street right-of-way, several water fittings within 16th Street and Linden Street, 8-inch distribution main in the Linden Street right-of-way and a 48-inch water main within 16th Street. There are existing sanitary manholes, combined intakes, and conduits within the requested rights-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

John Whitty 1459 Grand Avenue, representing Krause Group, stated they agree with the recommendation by City staff and would welcome any feedback.

CHAIRPERSON OPENED THE PUBLIC HEARING

Pat Monroe 5530 NW Beave Drive, Suite 100, Johnston, IA stated he is part owner of the property at 1540 High Street and did not receive any correspondence from Krause. As this vacation request directly effects the value of their building, they would like more information shared with them. He would like this request to be tabled until conversation is had with the Krause Group.

John Whitty stated they dispute that no information was shared with the owners of 1540 High Street as site plans and discussion was provide through the broker for Krause Group. Part of their request was to make sure access to 1540 High Street was not interrupted and still have access through their parking lot.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chris Draper asked if there was evidence of information delivered to the owners at 1540 High Street?

Jason Van Essen stated City staff sent notice of this request and provided the applicant with the notification list that would have included the property. There is nothing impacting their property from his prospective as they currently do not have direct access to 16th Street.

COMMISSION ACTION:

Rocky Sposato made a motion for:

Part A) **APPROVAL** of the requested vacations subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense.

Part B) the requested rezoning is in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

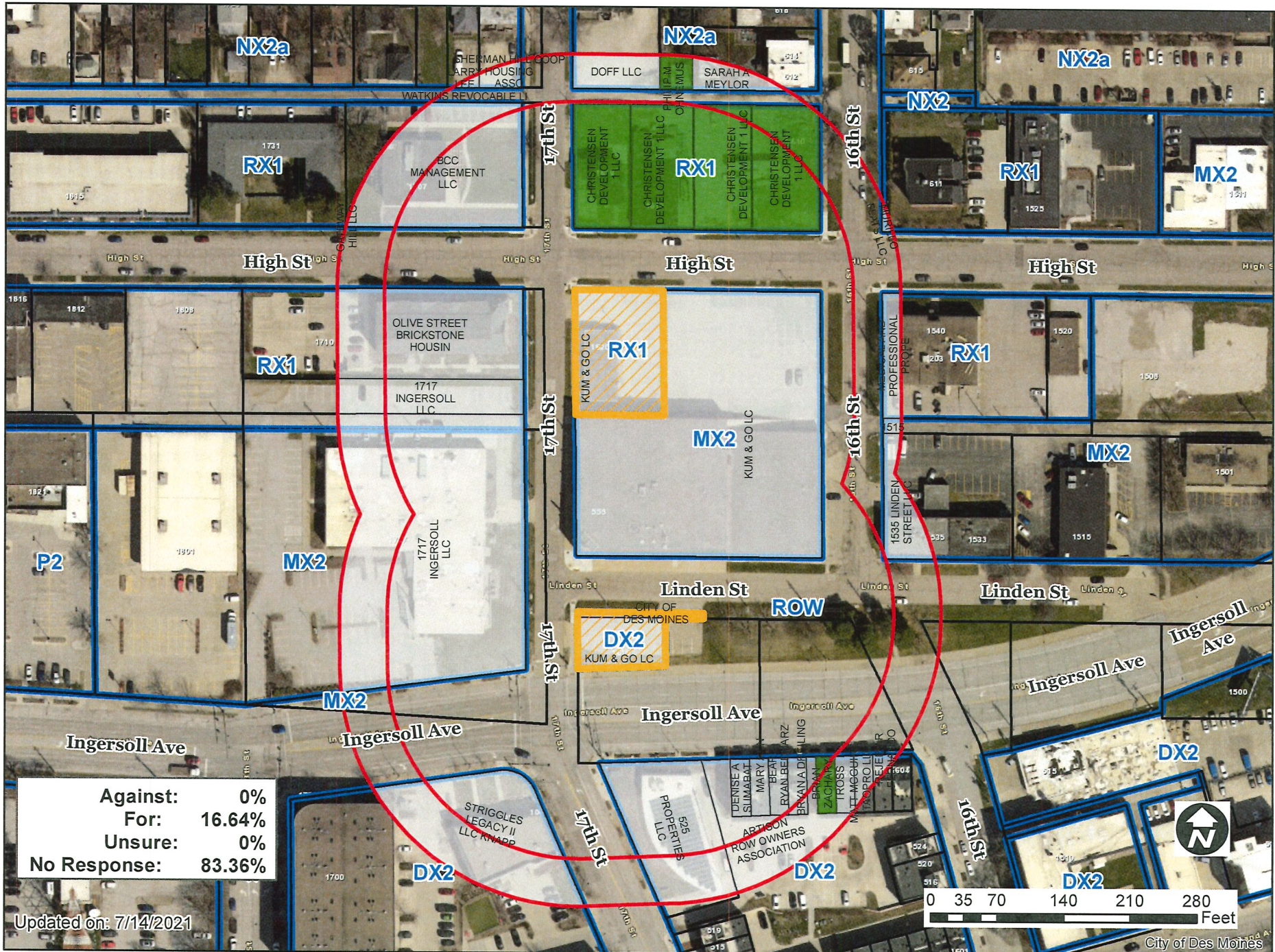
Part C) **APPROVAL** of the proposed rezoning of the subject properties from "DX2" Mixed Use District and "RX1" Mixed Use District to "MX2" Mixed Use District.

Motion passed: 12-0-1

Respectfully submitted,

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

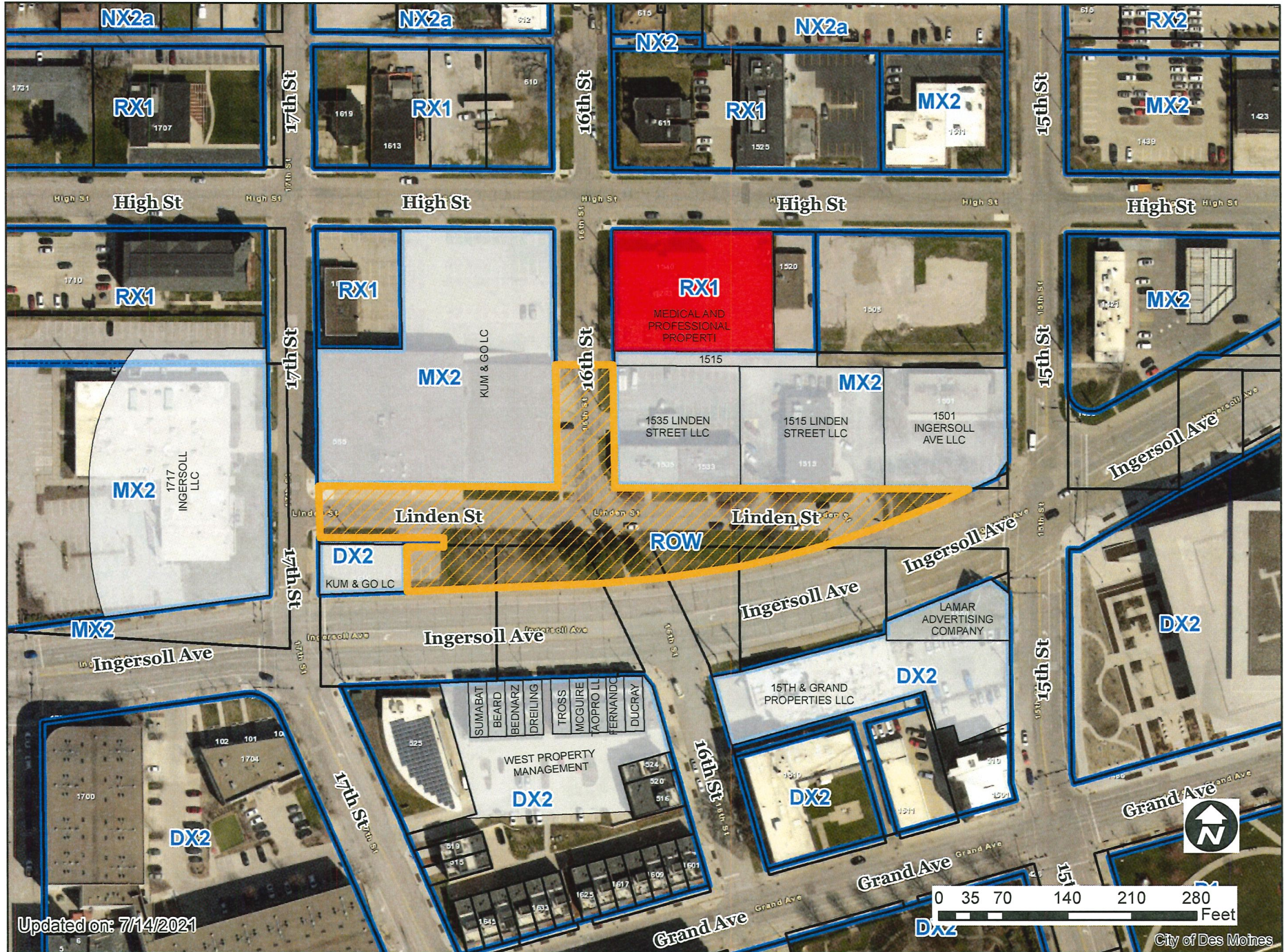


Against:	0%
For:	16.64%
Unsure:	0%
No Response:	83.36%

Updated on: 7/14/2021

17

KG Store 543, LLC, Linden St, 17th St-Ingersoll & 16th St, Ingersoll to S. line E/W alley ROW-2021-000001



Updated on: 7/14/2021

1 inch = 138 feet

17

#: ZON2021-00077

Date: 7/7/2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: Sarah Bogus

Address: 614 16th St Des Moines

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 12 2021

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

#: ZON2021-00077

Date: 7.6.2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: CHRIS DELLAVEROVA

Address: 525 17th STREET

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 12 2021

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

GOOD FOR THE NEIGHBORHOOD TO HAVE
NEW DEVELOPMENT HAPPENING

Item: ZON2021-00077

Date: 7/9/2021 ¹⁷

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Susan Elgin

Name: Susan Elgin

Address: 1620 Ingersoll Ave.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUL 19 2021

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

Love Big Grove! Welcome to the
neighborhood!

Item: ZON2021-00077

Date: 7/9/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature] - S7HA

Name: RYAN HOWELL - SHERMAN HILL ASS.

Address: 1620 PLEASANT

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUL 19 2021

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

Item: ZON2021-00077

Date: 7-7-21

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
 JUL 14 2021

Signature: Brian Tross

Name: Brian Tross

Address: 1624 Ingersoll Avenue, Des Moines, IA 50309

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

Item: ZON2021-00077

Date: 7/9/21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
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 COMMUNITY DEVELOPMENT
 JUL 14 2021

Signature: Phil Ohnemus

Name: Phil Ohnemus

Address: 1614 Woodland Ave

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

In favor of the neighborhood investment.

Item: ZON2021-00077

Date:

7/8/21

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:

215 E 3RD ST.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 14 2021

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

ROWV-2021-000001

Date: _____

Use 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

JUL 12 2021

Signature: [Handwritten Signature]

Name: MAPP PROPERTIES

Address: 5530 NW BEAVER DR. SUITE 100
JOHNSON, GA 30131

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

LOCK ACCESS FOR OUR BUSY DRIVING
SCENES TRAFFIC AND CREATE PARKING
ISSUES

ROWV-2021-000001

Date: 7.6.2021

Use 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

JUL 12 2021

Signature: [Handwritten Signature]

Name: CHRISTOPHER DELLAVEDOVA

Address: 525 17TH STREET

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

Item: ROWV-2021-000001

Date: 7/17/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Jake Christensen
215 E 3rd St.

Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUL 14 2021

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

Item: ROWV-2021-000001

Date: 7/9/21 17
DES MOINES IA 500

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

14 JUL 2021 PM 4
Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
JUL 19 2021

Signature: [Handwritten Signature]

Name: Matt McGuire

Address: 1620 Ingersoll

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

Project will be a wonderful addition to the community!
Much better than the existing building & dilapidated lots.
I fully support efforts to convert Ingersoll into productive
real estate!

Item: ROWV-2021-000001

Date: 7/9/21

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
JUL 19 2021

Signature: [Handwritten Signature] - SHA

Name: RYAN HOWEN - SHERMAN HILL ASS.

Address: 1620 PLEASANT

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