

**Agenda Item Number** 

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**Date** October 4, 2021

#### RESOLUTION CONTINUING HEARING ON REQUEST FROM JOPPA TO AMEND PLANDSM FUTURE LAND USE CLASSIFICATION AND TO REZONE PROPERTY GENERALLY LOCATED AT 1661 COUNTY LINE ROAD

WHEREAS, on August 9, 2021, by Roll Call No. 21-1213, the City Council received a communication from the Plan and Zoning Commission advising that at a public hearing held on July 15, 2021, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from JOPPA (Contract Purchaser), represented by Joe Stevens, (Officer) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use classification for real property generally located at 1661 County Line Road ("Property") from Business Park to Neighborhood Mixed Use and Medium Density Residential, and to rezone the Property from 'EX' Mixed Use District to 'RX1' Mixed Use District and 'NX-2' Neighborhood Mix District to allow redevelopment of the property as a JOPPA village for 50 units of Household Living use and Professional Office use as a transitional housing community. The property is owned by the Des Moines Metro Wastewater Reclamation Authority;

**WHEREAS**, on August 9, 2021, by Roll Call No. 21-1213, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on August 23, 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 amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, on August 23, 2021, by Roll Call No. 21-1374, the City Council opened and continued said hearing to 5:00 p.m. on October 4, 2021, at the Council Chambers, upon the request of the applicant's representative for additional time for outreach; and

WHEREAS, the JOPPA representative again has requested additional time for outreach, and a continuation of the hearing is required.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Des Moines, Iowa, that the public hearing on request for approval of the proposed land use amendment and rezoning for real property generally located at 1661 County Line Road is hereby opened and continued to December 6, 2021, at 5:00 p.m. in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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



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Date \_\_\_\_\_ October 4, 2021

Agenda Item Number 45

APPROVED AS TO FORM:

he Knuse

Judy K. Parks-Kruse Assistant City Attorney

(ZONG-2021-000002) (ZONG-000001)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					
BOESEN					I, P. Kay Cmelik, City Clerk of said City, hereby
GATTO					certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among
GRAY					other proceedings the above was adopted.
MANDELBAUM					
VOSS					IN WITNESS WHEREOF, I have hereunto set my
WESTERGAARD					hand and affixed my seal the day and year first above written.
TOTAL					above written.
MOTION CARRIED	•		API	PROVED	
			]	Mayor	City Clerk



Agenda Item 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 JOPPA (owner) represented by Joe Stevens (officer) to rezone property located at 1661 County Line Road from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Neighborhood Mix District, to allow redevelopment of the site for a JOPPA Village for 50 units of Household Living use and Professional Office use as a transitional housing community. The property is owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines.

#### **COMMISSION RECOMMENDATION:**

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	163	Nays	F 855	X
Dory Briles	Х			~
	~			X
Abby Chungath				Х
Kayla Berkson	Х			
Chris Draper	Х			
Jann Freed	Х			
Todd Garner	Х			
Johnny Alcivar	Х			
Lisa Howard				Х
Carolyn Jenison	Х			
William Page	Х			
Rocky Sposato	Х			
Steve Wallace	Х			
Greg Wattier	Х			
Emily Webb	Х			

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

**APPROVAL** of Part A) the requested rezoning is **not** in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) **APPROVAL** of the request to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Business Park to Neighborhood Mixed Use and Medium Density Residential.

Part C) **APPROVAL** of the proposed rezoning of the subject properties from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Mixed Use District.

(ZONG-2021-000001)

Written Responses 1 in Favor

0 in opposition

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

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Business Park to Neighborhood Mixed Use and Medium Density Residential.

Part C) Staff recommends approval of the proposed rezoning of the subject properties from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Mixed Use District.

#### STAFF REPORT TO THE PLANNING COMMISSION

- I. GENERAL INFORMATION
- Purpose of Request: The applicant is proposing to construct a transitional housing community for people who are houseless. The subject property is zoned "EX" Mixed Use District. The proposed rezonings to "RX1" Mixed Use District and "NX2" Mixed Use District would allow construction of 50 "tiny" homes and supportive services buildings. Any future construction or site improvements would be subject to compliance with a Site Plan.
- 2. Size of Site: 588,858 square feet (13.81 acres).
- 3. Existing Zoning (site): "EX" Mixed Use District.
- **4. Existing Land Use (site):** The subject area consists of a portion of the subject property addressed as 1661 County Line Road. The property is zoned "EX" and is undeveloped.

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5. Adjacent Land Use and Zoning:

North – "EX"; Use is undeveloped land.

- **South** "NX2"; Uses are public right-of-way (County Line Road), undeveloped land, and Flood District.
- **East** "EX"; Use is undeveloped land.
- West "EX"; Uses are undeveloped land and large wireless telecommunications facility.
- 6. General Neighborhood/Area Land Uses: The subject property is located on the north side of County Line Road, east of the intersection with Fleur Drive. The area contains a mix of agricultural land, undeveloped land, a cemetery, single-household residential use, and recreational fields.
- 7. Applicable Recognized Neighborhood(s): The subject property is not located within a Recognized Neighborhood. All 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 the public hearing) and on July 2, 2021 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.
- 8. Relevant Zoning History: None.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Business Park.
- **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 "Business Park" on the Future Land Use Map. PlanDSM describes this designation as follows:

#### BUSINESS PARK

Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The applicant is proposing to rezone the property from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Mixed Use District. 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. The Zoning Ordinance states that "NX2" is intended for a mix of single- and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.

The Future Land Use Map must be amened to identify the subject site as "Neighborhood Mixed Use" to support the NX1 zoning and "Medium Density Residential" to support the RX1 zoning. Staff believes this is appropriate as there are areas designated residential and mixed use nearby on the Future Land Use Map.

- 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. Utilities: Utilities identified within the subject property include Des Moines Metro Wastewater Reclamation Authority manholes, and sanitary conduit. A 12-inch distribution main is located within Fleur Drive approximately a quarter mile from the subject property, an 8-inch distribution main is located within Havens Avenue approximately a quarter mile from the subject property, and an 8-inch distribution main is located along the south side of County Line Road approximately four-tenths of a mile from the subject property.

#### SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Will Page asked if JOPPA was a national, local, or regional organization.

<u>Curt Carlson</u> 2326 Euclid Avenue, representing JOPPA, stated they are a local non-profit organization that has been around Des Moines for 12 years with the mission to end homelessness around Iowa. Curt presented a slide show presentation to the commission.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

<u>Carol Maher</u> 701 Polk Boulevard stated she is concerned about no sidewalks in the area of this development as the people living there will most likely not have a car, how will they get back and forth to places they need to go.

Linda Lair 3801 SW 28<sup>th</sup> Street stated she worked for JOPPA and was impressed by their ability to be flexible and identify the needs of their clients.

<u>Brenan Buckley</u> 3712 Bluestem Road, Norwalk, IA stated JOPPA is an organization any city in the county would be happy to have with their focus, dedication and how they go about their business. He believes Des Moines is of a size where these problems can be solved and serve the mission of JOPPA to end homelessness in Central Iowa.

<u>Travis Shuput</u> 5419 SW 19<sup>th</sup> Street stated if they have adequate access to City services, he would be in support of this project.

<u>Mitch Harris</u> representing the Watrous South Neighborhood Association stated he would echo the comments made by Mr. Shuput and if this request could be tabled until the Association meets with JOPPA on July 20<sup>th</sup>.

<u>Curt Carlson</u> stated they do understand more communication is needed with the neighborhood association and look forward to their meeting on the 20<sup>th</sup>. They have had discussion around sidewalks, bicycle access and are in negotiation with DART's leadership team for a long-term plan for this development.

#### CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Greg Wattier</u> asked if the applicant would be in favor of tabling this request to allow time for more engagement with the community?

<u>Curt Carlson</u> stated he would like to see this voted on tonight. There are many more reviews ahead of them with a lot of opportunity to get more engagement. The faster they can move forward, the faster they are able to help people in need.

Chris Draper asked if this would be a tax producing development?

<u>Curt Carlson</u> stated JOPPA is a non-profit organization, but they do pay taxes on other locations throughout the City.

#### **COMMISSION ACTION:**

Rocky Sposato made a motion for:

Part A) the requested rezoning is **not** in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) **APPROVAL** of the request to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Business Park to Neighborhood Mixed Use and Medium Density Residential.

Part C) **APPROVAL** of the proposed rezoning of the subject properties from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Mixed Use District.

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Motion passed: 12-0

Respectfully submitted,

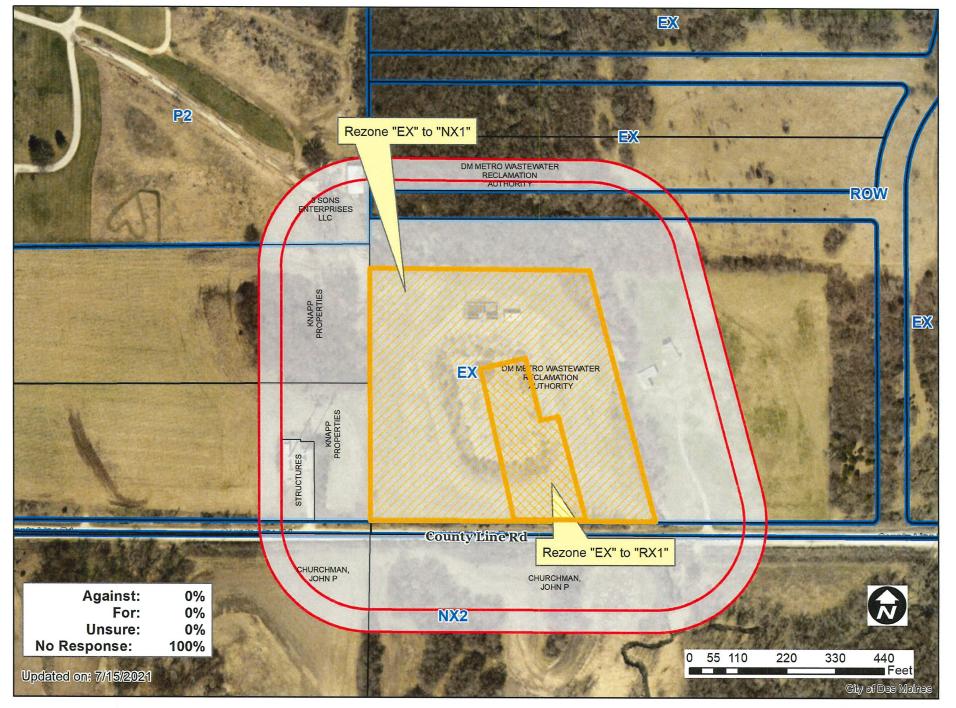
Jula Com

Jason Van Essen, AICP Planning & Urban Design Administrator

JMV:tjh

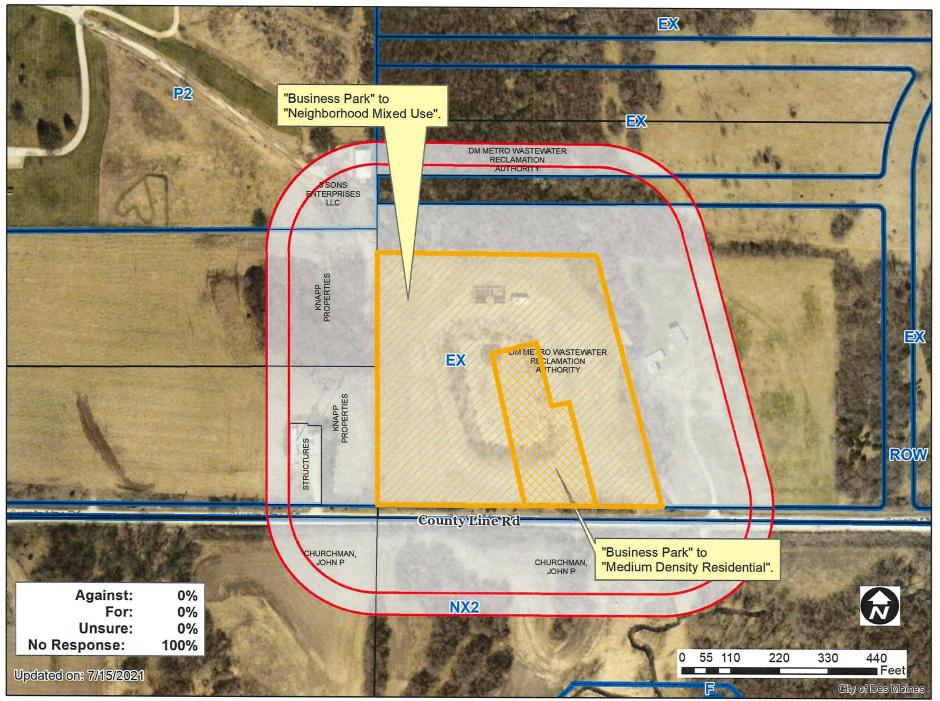
### JOPPA, Vicinity of 1661 County Line Road

### 45 ZONG-2021-000001



1 inch = 209 feet

### JOPPA, Vicinity of 1661 County Line Road



1 inch = 209 feet

ZONG-2021-000001 Date: <u>7 - 8</u> -Item: . Please mark one of the following Staff Use Only I am in favor of the request I am not in favor of the request RECEIVED COMMUNITY DEVELOPMENT Signature omer JUL 14 2021 artholomew Name: 00 Address: 7 YOP Reason for opposing or approving this request may be listed below: 9 all 6110 . 0

#### Dostart, Katherine E.

From:	Travis Shuput <travis@visionsignsiowa.com></travis@visionsignsiowa.com>
Sent:	Tuesday, July 13, 2021 1:04 AM
To:	Dostart, Katherine E.
Subject:	Item #13 for Upcoming Zoning Meeting
Attachments:	13 - ZONG-2021-000001 - JOPPA - 1661 County Line Road.pdf
Follow Up Flag:	Flag for follow up
Flag Status:	Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Hi Katherine,

I hope this email finds you well. In response to the request for zoning changes below, I have a few comments about the proposed rezoning.

"13.Request from JOPPA (owner) represented by Joe Stevens (officer), for the following regarding property generally located at 1661 County Line Road. The property is owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines. A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. B) Amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Business Park to Neighborhood Mixed Use and Medium Density Residential. (ZONG-2021-000002) C) Rezone property from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Neighborhood Mix District, to allow redevelopment of the site for a JOPPA Village for 50 units of Household Living use and Professional Office use as a transitional housing community. (ZONG-2021-000001)"

I know this is off the beaten path, however; can the southside really support another transitional community? The neighborhood that boarders up to this location doesn't have any representation and I am proposing to fix that to our neighborhood association (WSNA). We need to think bigger picture for this location. We have so many transitional properties already on the southside and in my opinion I don't think we can support another. Keep in mind, we have the Fort (halfway houses) and the Door of Faith (homeless shelter), various government subsidized housing properties on McKinley and various others around the southside (mostly privately owned with section 8 assistance).

If you drive down Fleur, we have panhandlers, homeless folks up and down a key artery of our city. Not to mention it's the first thing people see when they get off a plane. I have them out in front of my business frequently (which is directly across the street from the main exit of the airport). I have personally given them money just to keep them moving as the police department can really do much about it. You drive down SW 9<sup>th</sup>, you have a lot of the same thing. You would think that with the proximity to the Airport, hotels, a neighborhood that has enough crime and problems just to the north, 3 school properties that are within 3500 ft, a park that is within 500 ft and various other reasons, that should be enough to deter you from rezoning this property. In addition, the services of this city are already stretched pretty thin. Also, there is really no public transportation to service that area, nor sidewalks if people would commute by walking into the city. Are you going to have people walking up Fleur drive? That is a 45 mph zone coming off of the Hwy 5 bypass, seems dangerous. With that said, to create the proper ADA access, you will need to run a sidewalk all the way up to Fleur and Army Post.

I truly understand the need for housing for these folks who are in transition. I am not heartless. But with the issues we have had on the southside as of late, especially just north of there, this doesn't really seem to be a good fit for either community.

**Travis Shuput** 

Vision Custom Signs & Graphics 5807 Fleur Drive, Suite A Des Moines, IA 50321

Main. 515.809.2264 Direct. 515.650.8465 Fax. 515.630.3758

Teams: <u>travis@visionsignsiowa.com</u> www.visionsignsiowa.com

### Y5

#### Dostart, Katherine E.

From:	Travis Shuput <travis@visionsignsiowa.com></travis@visionsignsiowa.com>
Sent:	Thursday, July 15, 2021 3:33 PM
То:	Dostart, Katherine E.
Cc:	cory.a.mcanelly@gmail.com
Subject:	RE: Item #13 for Upcoming Zoning Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Hi Katherine,

I have a few comments to add to the below and I hope I am not too late for tonight's meeting. Cory McAnelly arranged a Zoom call with myself and JOPPA team today to discuss my comments below on obviously very short notice. The conversation we had today was very productive.

- 1. I still have concerns in regards to access to city services (ie. ADA compliant sidewalks, neighborhood access etc.), but it sounds like they are aware of this.
- 2. I still have concerns in regards to the state of the neighborhood to the north of this location.
- 3. I still have concerns about the amount of assisted properties on the southside.

I can only speak for myself and my business. But it sounds like a good program with a good track history and I look forward to learning more about this if the zoning changes are approved. However; just know, not really any of the neighborhoods on the southside were informed of this prior to this meeting. Communication on this topic going forward would be beneficial.

Thanks, Travis Shuput

Vision Custom Signs & Graphics 5807 Fleur Drive, Suite A Des Moines, IA 50321

Main. 515.809.2264 Direct. 515.650.8465 Fax. 515.630.3758

Teams: travis@visionsignsiowa.com www.visionsignsiowa.com

From: Travis Shuput Sent: Tuesday, July 13, 2021 1:04 AM To: KEDostart@dmgov.org Subject: Item #13 for Upcoming Zoning Meeting

Hi Katherine,

I hope this email finds you well. In response to the request for zoning changes below, I have a few comments about the proposed rezoning.

"13.Request from JOPPA (owner) represented by Joe Stevens (officer), for the following regarding property generally located at 1661 County Line Road. The property is owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines. A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. B) Amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Business Park to Neighborhood Mixed Use and Medium Density Residential. (ZONG-2021-000002) C) Rezone property from "EX" Mixed Use District to "RX1" Mixed Use District and "NX2" Neighborhood Mix District, to allow redevelopment of the site for a JOPPA Village for 50 units of Household Living use and Professional Office use as a transitional housing community. (ZONG-2021-000001)"

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I truly understand the need for housing for these folks who are in transition. I am not heartless. But with the issues we have had on the southside as of late, especially just north of there, this doesn't really seem to be a good fit for either community.

**Travis Shuput** 

Vision Custom Signs & Graphics 5807 Fleur Drive, Suite A Des Moines, IA 50321

Main. 515.809.2264 Direct. 515.650.8465 Fax. 515.630.3758

Teams: <u>travis@visionsignsiowa.com</u> <u>www.visionsignsiowa.com</u>

### 45

#### Dostart, Katherine E.

From:	Mitch Harris <watroussouth@gmail.com></watroussouth@gmail.com>
Sent:	Monday, July 12, 2021 6:56 PM
To:	Dostart, Katherine E.
Subject:	Re: 1661 County Line Road request of P&Z
Follow Up Flag:	Follow up
Flag Status:	Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Hi Katherine,

Thanks for your email. We would like to go on record as recommending this is NOT APPROVED.

I spoke with Fort Des Moines NA president today and they also are NOT in favor of this. I will ask them to email you directly.

Thanks!

Mitch Mitch Harris, Vice President Board of Directors



Neighborhood Association PO Box 38545 Des Moines, Iowa 50315

From: "Dostart, Katherine E." <KEDostart@dmgov.org>
Date: Monday, July 12, 2021 at 3:01 PM
To: WSNA Mail <watroussouth@gmail.com>, Planning <Planning@DMGOV.ORG>
Subject: RE: 1661 County Line Road request of P&Z

Hi Mitch,

JOPPA's request at 1661 County Line Road is on the agenda for this Thursday evening (7/15) as a public hearing item.

You may send any comments to me at this email.

I've attached the 7/15 P&Z agenda which includes the Zoom meeting login information if you would like to attend and a copy of the staff report.

Please let me know if you have any additional questions, Katherine.

KATHERINE DRAHOS | CITY OF DES MOINES o: 515.283.4964 | m: 515.210.4811

From: Watrous South Neighborhood Association <watroussouth@gmail.com> Sent: Monday, July 12, 2021 12:18 PM To: Planning <Planning@DMGOV.ORG> Subject: 1661 County Line Road request of P&Z

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bert is out of the office and he is the one I usually send questions to ...

Was the item involving 1661 County Line Road approved already or can we still comment on this?

Please let me know ASAP.

Thanks!

#### Mitch

*Mitch Harris, Vice President Board of Directors* 



Neighborhood Association PO Box 35845 Des Moines, Iowa 50315 515-865-4567 (Cell)

#### Dostart, Katherine E.

From:	SCOTT S DURHAM <scottd1012@msn.com></scottd1012@msn.com>
Sent:	Tuesday, July 13, 2021 6:55 AM
To:	Dostart, Katherine E.
Subject:	1661 County Line Road Transitional Housing
Follow Up Flag:	Follow up
Flag Status:	Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Katherine,

It is my understanding that there is a request from JOPPA for a zoning change to allow "Tiny House" Transitional Housing to be located at 1661 County Line Road. This mail is to express our Strong Opposition to any change in zoning that would allow this project to move forward.

Respectfully,

Scott Durham President, Fort Des Moines Neighborhood Association

Sent from my iPhone

# Joppa Village



## Property: 1661 County Line Road

17.887 Acres

District: 120 Parcel: 02451-001-001

Des Moines Metro Wastewater Reclaim Authority

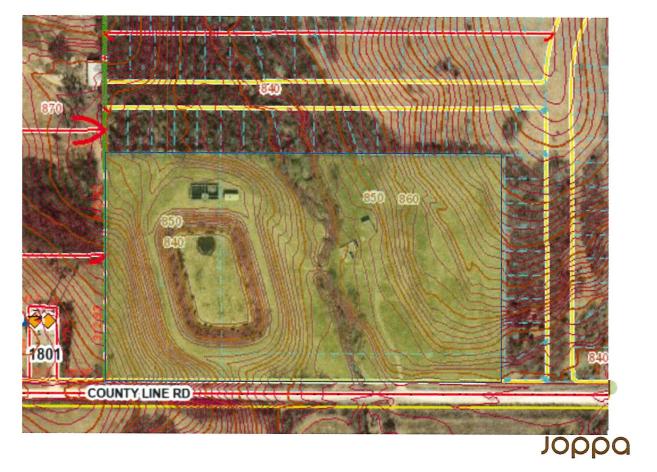
Past Wastewater Treatment Facility - Decomissioned 1990s -



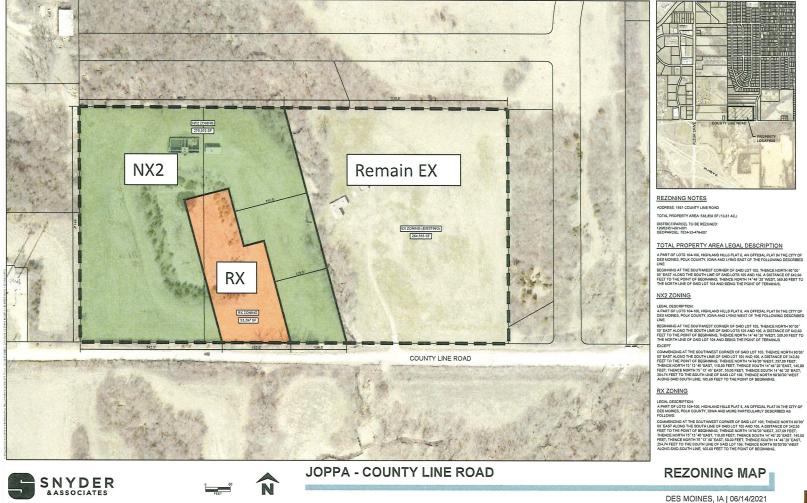


### Scope - Property

- Fenced Area 13 Acres
- Focus: Western Half



### Rezoning



## Neighbor Outreach

- 10 Letters Sent June 17, 2021
- 0 Emails received
- 0 Phone calls received



### Partners

- BSB Design
- Michael Simonson
- Snyder & Associates
- Robbe Verhoefe
- Edge Construction
- Wright Outdoor Solutions
- Broadlawns

Architect Architect Engineers Landscape Architect General Contractor Landscape Contractor Free Clinic



## Village Coalition

- Mayor Frank Cownie
- Christine Hensley
- Josh Mandelbaum
- Linda Westergaard
- Matt McCoy
- Matt Anderson
- Eric Burmeister

