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Date February 21, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM CHRISTENSEN DEVELOPMENT, LLC, TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 600 EAST 14TH STREET

WHEREAS, on February 7, 2022, by Roll Call No. 22-0173, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 20, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Christensen Development, LLC (Owner), represented by Jake Christensen (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located at 600 East 14th Street (“Property”) from Public/Semi-Public to Community Mixed Use to allow rezoning to ‘MX3’ Mixed Use District to allow development of a convenience store with fueling stations; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 20, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Christensen Development, LLC (Owner), represented by Jake Christensen (Officer) to to rezone the Property from ‘P2’ Public, Civic and Institutional District to ‘MX3’ Mixed Use District for the above-stated purpose; and

WHEREAS, on February 7, 2022, by Roll Call No. 22-0173, 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 February 21, 2022 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, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 600 East 14th Street, legally described as:

PARCEL "B" OF CORRECTED PLAT OF SURVEY RECORDED IN BOOK 14839 PAGE 990 BEING A PART OF LOTS 12, 13, 14, 15, 16, AND 17 AND THE EAST-WEST VACATED ALLEY ALL IN BLOCK 25 IN STEWART'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from ‘P2’ Public, Civic and Institutional Use to ‘MX3’ Mixed Use District.

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 PlanDSM and proposed rezoning of the Property to ‘MX3’ Mixed Use District are hereby overruled, and the hearing is closed.



Roll Call Number

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Agenda Item Number

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Date February 21, 2022

2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Public/Semi-Public to Community Mixed Use is hereby approved.

3. The proposed rezoning of the Property, as legally described above, to '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- SECOND BY _____.

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG2021-000057)
(ZONG2021-000056)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
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

January 26, 2022

Communication from the City Plan and Zoning Commission advising that at their January 20, 2022 meeting, the following action was taken regarding a request from Christensen Development, LLC (owner), represented by Nick Day (officer) to rezone property located at 600 E. 14th Street from “P2” Public, Civic and Institutional District to “MX3” Mixed Use District, to allow the property to be developed as a convenience store with fueling stations.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 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			
Andrew Lorentzen	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of the requested right-of-way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense. (ZONG-2021-000056)

Written Responses

1 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 not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Public/Semi-Pubic.

Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the property from Public/Semi-Public to Community Mixed Use.

Part C) Staff recommends approval of the requested rezoning of the property from “P2” Public, Civic, and Institutional District to “MX3” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to develop a new convenience store with fueling stations. As a result, the building and site must be built in conformance with current design standards. The Planning and Design Ordinance does not allow retail establishments with fuel stations on properties zoned “P2” District. Therefore, the applicant is requesting to rezone the property to the “MX3” District to allow a convenience store with fuel stations. Any future development must be in accordance with a Site Plan that complies with the design guidelines contained in Municipal Code Chapter 135.
2. **Size of Site:** 43,560 square feet (1 acre).
3. **Existing Zoning (site):** “P2” Public, Civic, and Institutional District.
4. **Existing Land Use (site):** The site contains vacant undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – “P2”; Uses are Public, Civic and Institutional including Interstate 225 Right of Way and East High School to the north of it.
 - South** – “P2”; Uses are Public, Civic and Institutional including State of Iowa Offices
 - East** – “RX1”; Uses are commercial in nature including a medical office and fast-food restaurant.
 - West** – “P2”; Uses are Public, Civic and Institutional including a medical clinic.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the southwest quadrant of the I-235 interchange with East 14th Street. The surrounding properties contain a mix of commercial, public, and semi-public uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on December 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on December 30, 2021 (20 days prior to the hearing) and January 10, 2022 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the

site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on January 14, 2022.

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 Association notices were mailed to Luke Dickens, P.O. Box 93904, Des Moines, IA, 50393.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: N/A.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Public and Semi-Public.

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 “Public/Semi-Public” on PlanDSM’s future land use map. Plan DSM describes this designation as follows:

Public/Semi-Public: Areas that are mostly open to public use or public access and may include government facilities, schools, hospitals, libraries, and community facilities.

The proposed “MX3” District requires the future land use designation to be amended to “Community Mixed Use” in order to find the proposed rezoning in conformance with PlanDSM. Plan DSM describes this designation as follows:

Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection 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.

Staff believes that the requested amendment to designate the future land use to “Community Mixed Use” is complementary to the highway-oriented uses of this area and is appropriate given the character and developments along the interstate and East 14th Street.

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

The I-225 and East 14th Interchange area is generally zoned P2, with several state offices, medical and educational institutions, with the south east portion of the interchange including a mix of restaurants, grocery store and medical clinic. Staff believes that given the proximity to Interstate 225 as well as PlanDSM Future Landuse Nodes, the proposed use is appropriate for the character of the area and serves the uses that support the I-225 interstate corridor.

- 2. **Additional Information:** Any future development must be in accordance with a Site Plan that complies with the design guidelines contained in Municipal Code Chapter 135. The “MX3” District requires that any structure be reviewed against the “Storefront”, “Commercial Cottage”, “General Building”, or “Commercial Center” Building Type.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Jann Freed made a motion for the following:

Part A) The proposed rezoning to “MX3” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Public/Semi-Pubic.

Part B) Approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the property from Public/Semi-Public to Community Mixed Use.

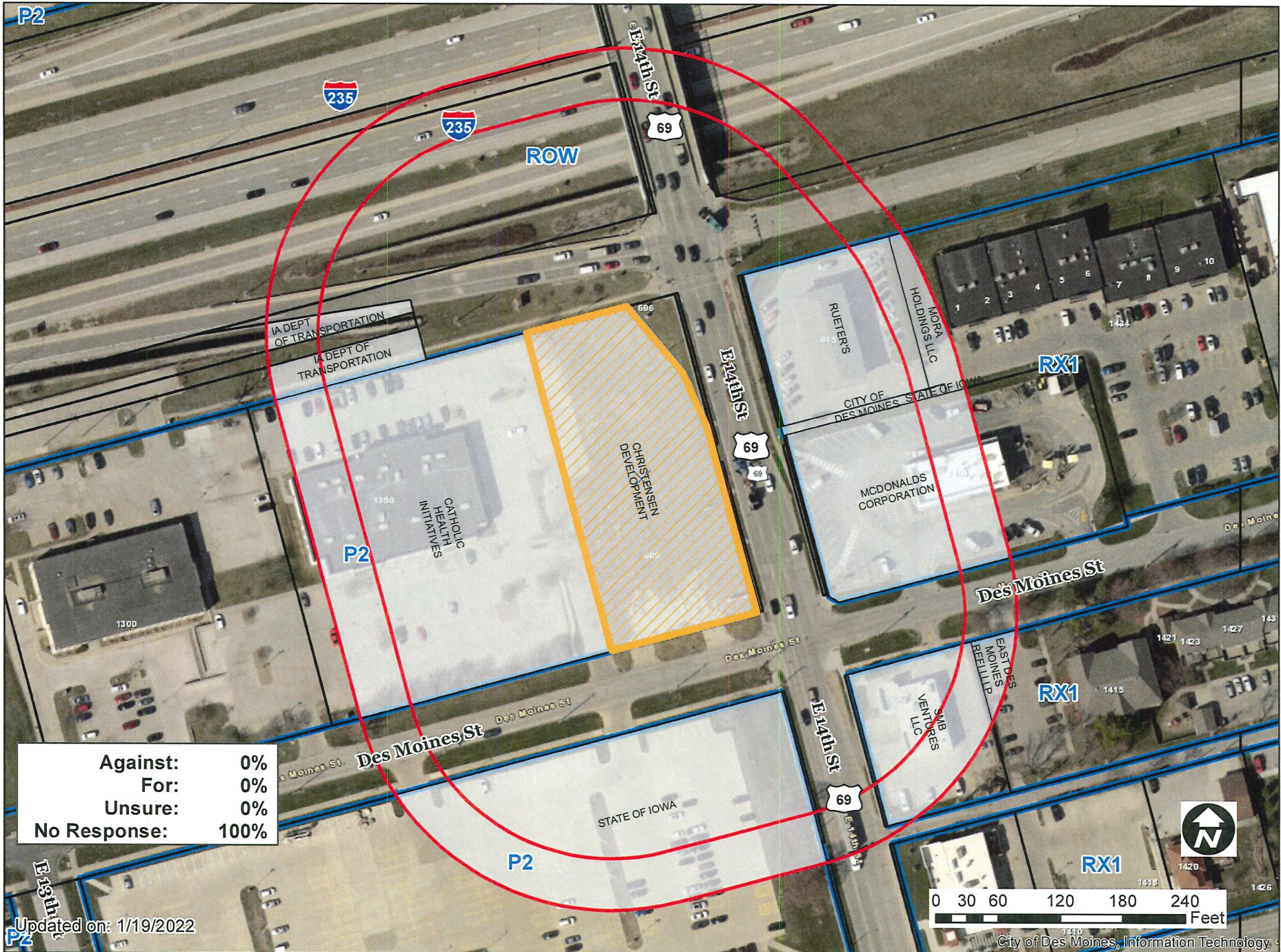
Part C) Approval of the requested rezoning of the property from “P2” Public, Civic, and Institutional District to “MX3” Mixed Use District.

Motion passed: 14-0

Respectfully submitted,

Jason Van Essen, AICP
Planning & Urban Design Administrator

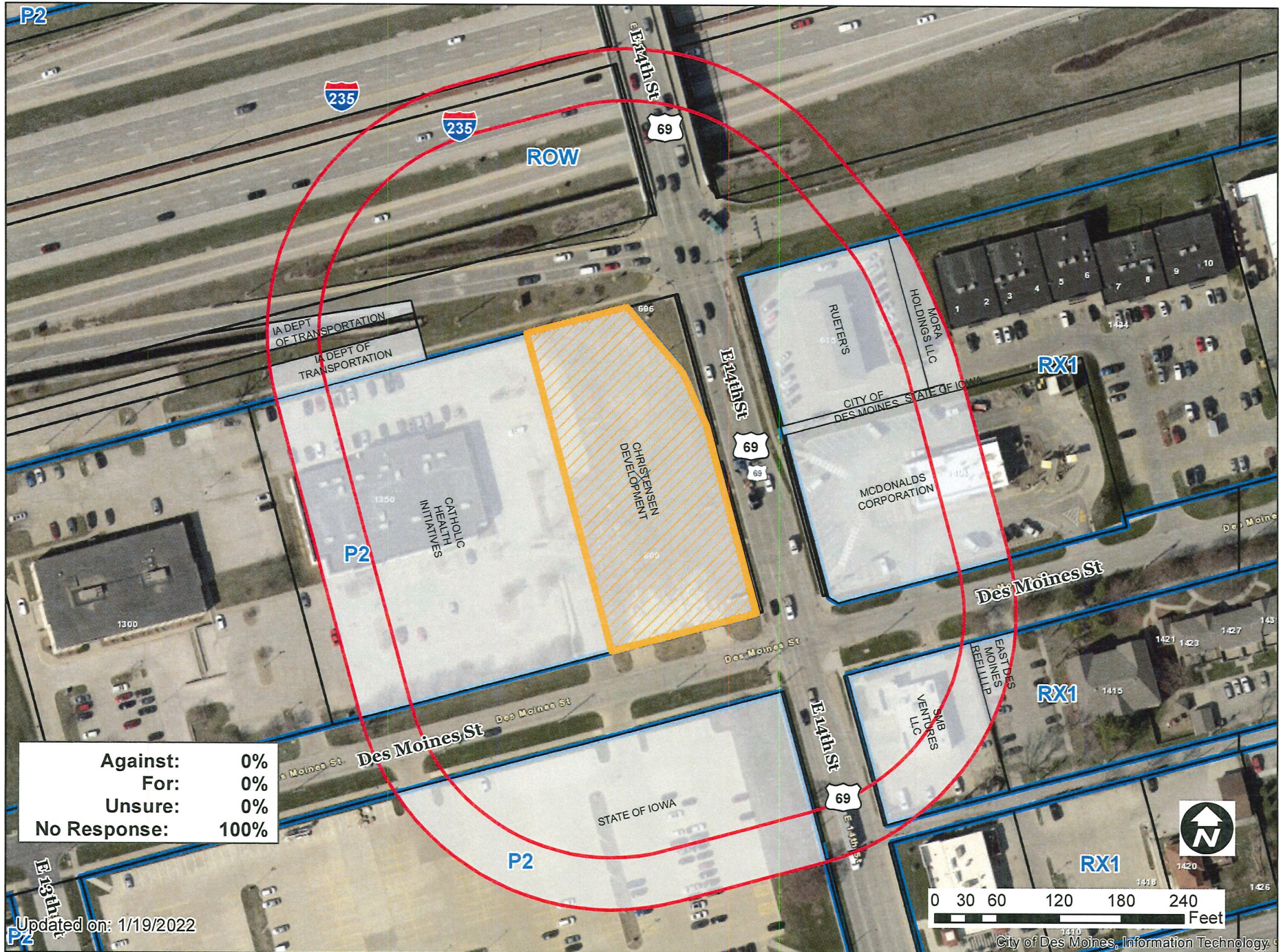
JMV:tjh



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 1/19/2022

1 inch = 123 feet



Against:	0%
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No Response:	100%

Updated on: 1/19/2022

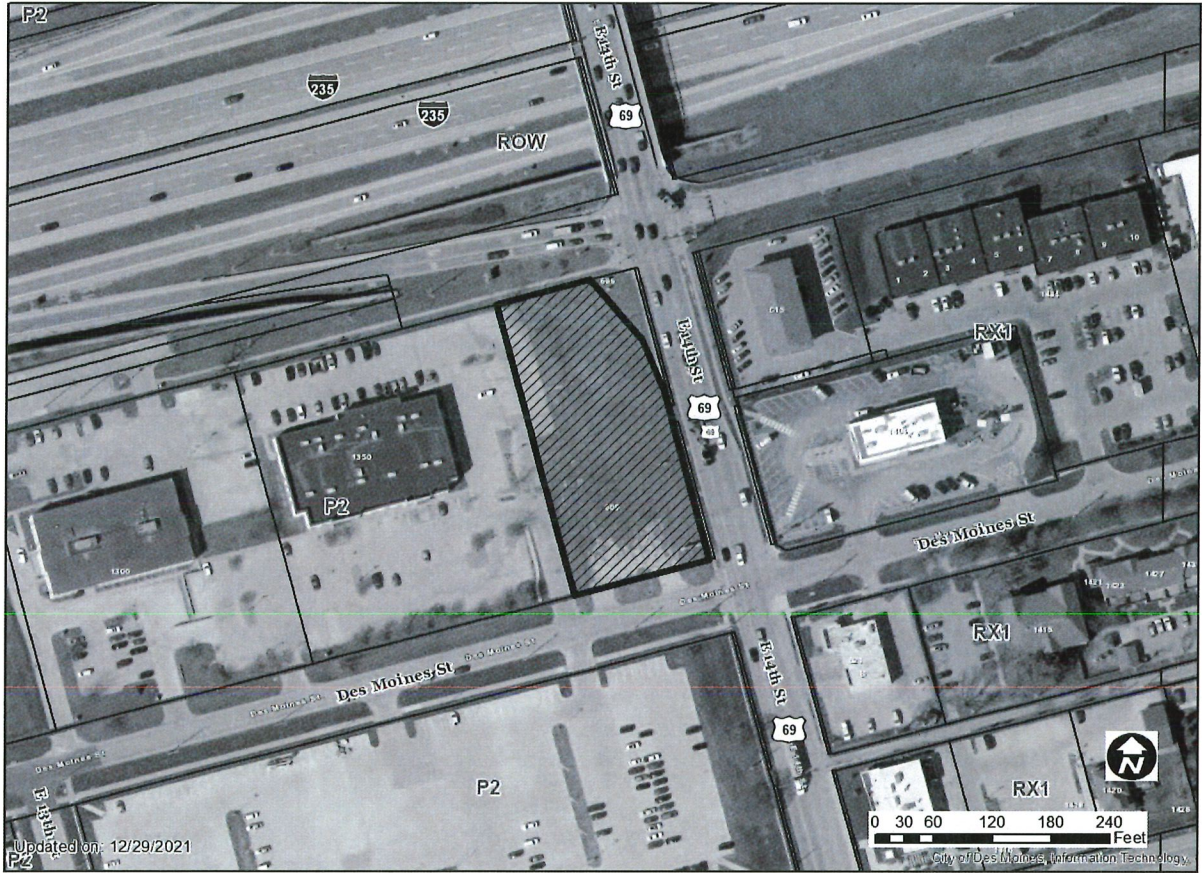
City of Des Moines, Information Technology

1 inch = 123 feet

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Christensen Development, LLC, 600 East 14th Street

ZONG-2021-000056



1 inch = 123 feet



January 20, 2021

SREYOSHI CHAKRABORTY | CITY OF DES MOINES
Senior City Planner | Development Services
602 Robert D. Ray Drive | Des Moines, Iowa 50309

Dear Sreyoshi,

We held a neighborhood Zoom meeting for the rezoning of the property on January 11, 2021, at 5pm CST. We held the meeting open from 5-6pm. The only attendees were Bonnie and Jamie with the ownership group for the adjacent Mercy Hospital property, and me. The only concern that was brought up was whether the shared access would create pass-through traffic between the Mercy site and Casey's site. We discussed that the design and layout of the sites cause inefficiency for drive-through traffic between the two, therefore it would be unreasonable to expect a substantial amount to occur.

Please contact me at wally@pelds.com or call at 515-978-4919 with any questions/concerns.

Thanks,

Wally Pelds

Wally Pelds, PE & PLS
PELDS DESIGN SERVICES

