

.....
Date August 8, 2022..

RESOLUTION SETTING HEARING ON REQUEST FROM DRAKE NEIGHBORHOOD ASSOCIATION (OWNER) TO AMEND PLANDSM FROM MEDIUM DENSITY RESIDENTIAL TO PARK/OPEN SPACE AND TO REZONE THE RECENTLY VACATED PROPERTY LOCATED IN THE VICINITY OF 2400 BLOCK OF COTTAGE GROVE AVENUE TO “P1” PUBLIC/PRIVATE OPEN SPACE DISTRICT TO ALLOW DEVELOPMENT OF THE OPEN SPACE WITH A GARDEN, SWING, AND NEIGHBORHOOD ENTRANCE SIGN

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 21, 2022, its members voted 13-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 2400 Block of Cottage Grove Avenue is not in conformance with the existing PlanDSM future land use designation of Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 21, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Drake Neighborhood Association (Owner[s]), represented by Lori Calhoun (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located in the vicinity of 2400 Block of Cottage Grove Avenue from Medium Density Residential to Park/Open Space; to rezone the Property to “P1” Public, Civic, and Institutional District to allow development of the open space, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

A PART OF LOT 188, UNIVERSITY LAND CO.'S FIRST ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 189 OF SAID UNIVERSITY LAND CO.'S FIRST ADDITION TO DES MOINES; THENCE SOUTH 19' 41" EAST ALONG THE EAST LINE OF SAID LOT 189, A DISTANCE OF 38.23 FEET; THENCE NORTH 40' 19" EAST, 67.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56°58'12" EAST, 63.50 FEET; THENCE SOUTH 10°01'48" WEST, 8.08 FEET; THENCE SOUTH 60° 04'32" WEST, 60.00 FEET; THENCE NORTH 00° 08'06" EAST, 72.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,119 S.F.).

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 amendment to the comprehensive



Roll Call Number

Agenda Item Number

33

Date August 8, 2022

plan future land use designation and rezoning are 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 22, 2022 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.

- 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. SECOND BY _____.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000063)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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

August 2, 2022

Communication from the City Plan and Zoning Commission advising that at their July 21, 2022 meeting, the following action was taken regarding a request from Drake Neighborhood Association (applicant), represented by Lori Calhoun (officer) to rezone the recently vacated property located in the vicinity of 2400 block of Cottage Grove Avenue, which is bounded by Cottage Grove Avenue on the northeast, Kingman Boulevard on the south, and 25th Street on the west as "P1" Public/Private Open Space District, to allow development of the open space with a garden, swing, and neighborhood entrance sign.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison				X
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Medium Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Medium Density Residential to Park/Open Space.

Part C) Approval of the designation (rezoning) of the subject area as "P1" Public, Civic, and Institutional District, to allow development of the open space by the Drake Neighborhood Association.

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 Medium Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Medium Density Residential to Park/Open Space.

Part C) Staff recommends approval of the designation (rezoning) of the subject area as "P1" Public, Civic, and Institutional District, to allow development of the open space by the Drake Neighborhood Association.

Written Responses

4 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed amendment and zoning designation would allow use of the vacated street right-of-way by the Drake Neighborhood Association as a location for a neighborhood entrance sign and garden.
- 2. Size of Site:** 0.05 acres (2,119 square feet).
- 3. Existing Zoning (site):** The subject area is beyond the centerline of any street that abuts any zoning district in the surrounding area. The subject area is abutted by "N5" Neighborhood District, "MX1" Mixed-Use District, "NX2" Neighborhood Mix District, and "P2" Public, Civic, and Institutional District. Staff believes that designation of "P1" Public, Civic, and Institutional District is the appropriate zoning district for the subject area.
- 4. Existing Land Use (site):** The site consists of an irregularly-shaped parcel of land within the intersection of the Cottage Grove Avenue right-of-way, Kingman Boulevard right-of-way, and 25th Street right-of-way.
- 5. Adjacent Land Use and Zoning:**
 - North** – "NX2" & "P2"; Uses are Cottage Grove Avenue right-of-way, low density residential, medium density residential, and park/open space.
 - South** – "N5"; Uses are Kingman Boulevard right-of-way, low density residential, and medium density residential.
 - East** – "NX2" & "P2"; Uses are Cottage Grove Avenue right-of-way, low density residential, medium density residential, and park/open space.
 - West** – "N5" & "NX2"; Uses are 25th Street right-of-way, Kingman Boulevard right-of-way, low density residential, and medium density residential.

6. **General Neighborhood/Area Land Uses:** The subject area is a small parcel of land within the intersection of Cottage Grove Avenue public right-of-way, 25th Street public right-of-way, and Kingman Boulevard public right-of-way. The subject area is located in the Drake Neighborhood, which is an area consisting of a mix of one-household residential, multiple-household residential, office, commercial, religious, educational, and institutional uses.
7. **Applicable Recognized Neighborhood(s):** The subject area is located within the Drake Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 1, 2022 and by mailing of the Final Agenda on July 15, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on July 1, 2022 (20 days prior to the public hearing) and July 11, 2022 (10 days prior to the public hearing) to Drake Neighborhood Association 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 Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

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

8. **Relevant Zoning History:** On May 21, 2020, by Docket No. 11-2020-1.03, the Plan and Zoning Commission recommended approval of a request to assign "P1" District to the subject area. However, that request was subsequently tabled until a legal description could be prepared. Now that a legal description is available, a new hearing at Plan and Zoning Commission is necessary since significant time has lapsed. On May 23, 2022, by Ordinance No. 16,129, the City Council vacated the subject area, subject to reservation of an easement upon the subject area for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

On May 23, 2022, by Roll Call No. 22-0814, the City Council approved a twenty year lease of the subject area to the Drake Neighborhood Association.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Medium Density Residential.
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 area 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 applicant is requesting that the future land use designation for the property be revised from "Medium Density Residential" to "Parks and Open Space." PlanDSM describes these designations as follows:
Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

Parks and Open Space: Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.

The subject area currently does not have a zoning district designation. The subject area is beyond the centerline of any street that abuts any zoning district in the surrounding area.

The applicant is requesting the subject area be assigned "P1" Public, Civic, and Institutional District in order to facilitate the proposed plans of the Drake Neighborhood Association to install a neighborhood entrance sign and garden. The Zoning Ordinance describes this district as "intended for open space, including permanent parks and recreation areas."

- 2. Planning and Design Ordinance:** Any future construction or development of the site 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 any proposed additions or modifications.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Francis Boggus made a motion for:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Medium Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Medium Density Residential to Park/Open Space.

Part C) Approval of the designation (rezoning) of the subject area as "P1" Public, Civic, and Institutional District, to allow development of the open space by the Drake Neighborhood Association.

Motion passed: 13-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh





Updated on: 7/1/2022

1 inch = 82 feet

Jul 21, 2022 10:47



Jul 21, 2022 10:47



Cedar Grove Ln
239 B



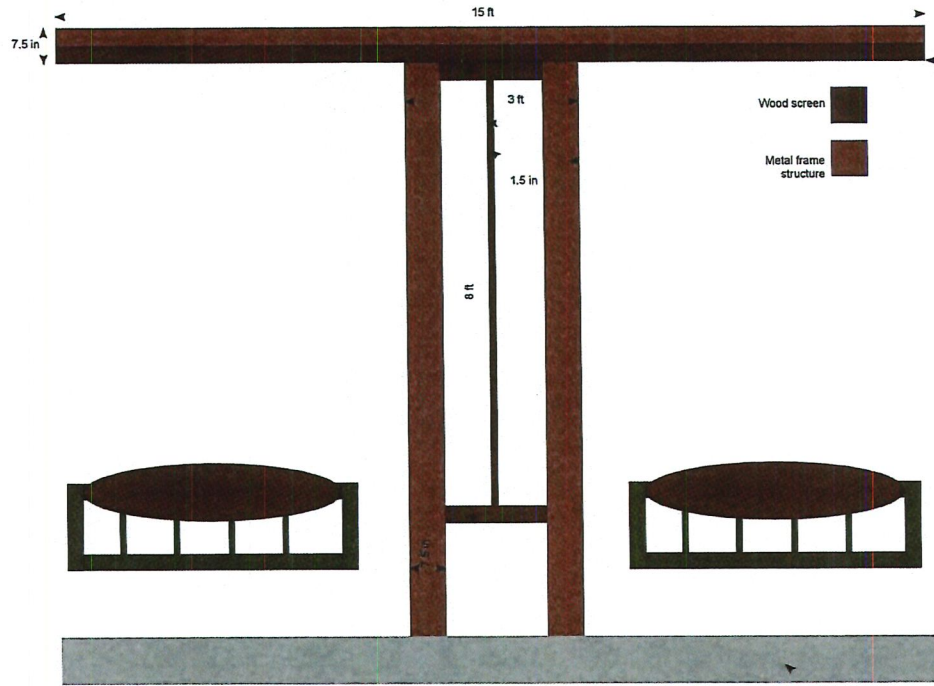
KSMV
KSNV



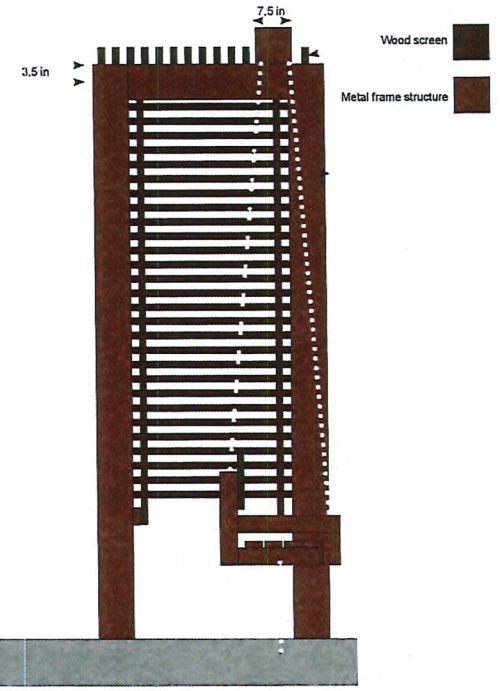
Jul 21, 2022 10:48



Front View

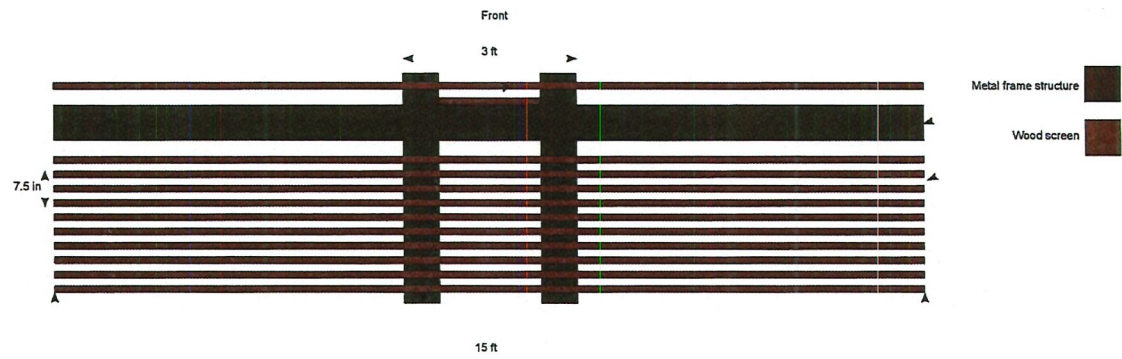


Side View



Drake Neighborhood Memorial Garden Porch Swing (With plants rendered in position)

Top View



Drake Neighborhood Memorial Garden Porch Swing

1/2" = 1'

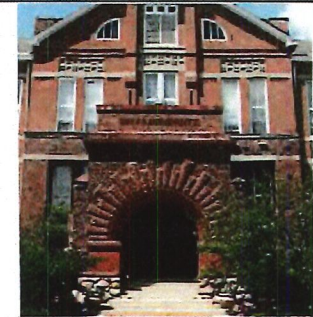
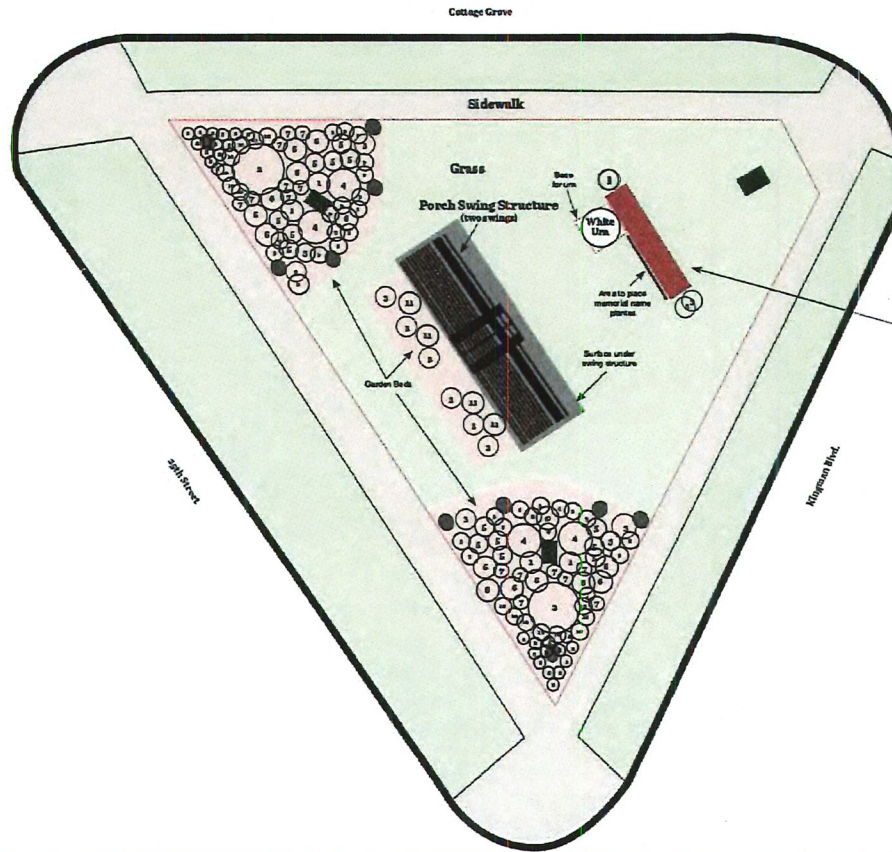
KEY



Large Decorative Item From Capitol Renovation



Decorative Item From Capitol Renovation



Old Main: Drake University



Neighborhood Entrance Sign
Based on entrance to Old Main on Drake University campus.



Plant selection

- 1-Ornamental Grass (Standing Ovation) 12"/40" (4)
- 2-Hydrangea (Little Quick Fire) 3'-5" (2)
- 3- Knockout rose 3'-4' (14)
- 4- Barberry (Pygmy Ruby™) 1.5'-3' (4)
- 5- Sedum (Mr. Goodbud) 18"/20" (16)
- 6- Barberry (Golden Nugget) 12"/18" (10)
- 7- Salvia (Marcus) 12"/16" (16)
- 8- Sedum (Marina) 10"/18" (30)
- 9- Sedum (Blue Pearl) 6"/18" (38)
- 10- Coriopsis (Zagreb) 12"/18" (14)
- 11- Ornamental Grass (Northwind) 4'-6"/2'-3' (4)

Overhead Plan

1



Standing Ovation Little Bluestem

Exceptionally sturdy stems that don't flop over, even in high winds and heavy rain. Striking blue-green foliage adds great contrast with hints of green, pink, and purple. Foliage color softens in late summer then develops fiery red and orange hues in fall. Showy silver plumes develop seed heads that persist through winter, providing forage for birds.

2



Little Quick Fire® Hardy Hydrangea

This is a wonderful dwarf form of the popular Quick Fire™ hydrangea. Like the original, it is early blooming, flowering about a month before other hydrangeas. White flowers transform to pink-red as summer progresses. Compact size fits easily into any landscape. Use it in a mixed border, or as a showy specimen or foundation plant. Its early bloom time will extend your garden's hydrangea season.

3



Double Knock Out® Rose

A maintenance free rose that continually produces self-cleaning double candy apple red flowers with a slight spicy fragrance. Unsurpassed resistance to black spot and downy mildew leaf diseases. An excellent low hedge or accent. Deciduous.

4



Pygmy Ruby™ Barberry

Shiny, deep red leaves cover this naturally dense, globe-shaped shrub. No trimming is needed to maintain its neat, dwarf habit, making it a fine choice for a low maintenance mass planting, low border or accent. Deciduous.

5



Mr. Goodbud Stonecrop Sedum

Very large, dense heads of light purple buds contrast with the dark violet-purple flowers on a shorter, sturdier form than other varieties. Wonderful in a mass planting or border. The showy flower heads reach their peak in fall, and if left standing will provide winter interest and food for birds. Evergreen in mild winter regions.

6



**Golden Nugget™
Dwarf Japanese Barberry**

An exceptional golden barberry in an exciting dwarf form. Displays attractive, non-burning foliage with a golden orange cast most of the season. Excellent low-maintenance color for the landscape from spring to fall. Brightens beds and adds vibrant contrast to shrub borders. Heat and drought tolerant when established. Deciduous.

7



Marcus® Meadow Sage Salvia

This especially compact selection is a stunning addition to any border with spikes of intense violet flowers that top dense, shrub-like clumps of fragrant, gray-green foliage throughout summer. Excellent for adding bold color in mass plantings. An herbaceous perennial.

8



Sedum 'Marina'

'Marina' is the bluest *S. telephium* you've ever seen. You will be very pleased with its lovely oblong, blue-grey leaves that tint purple in summer, its low mounding habit, and its amazing crown-formation. Additionally it displays lovely rose pink flowers in late summer. Enjoy!

9



SunSparkler® Blue Pearl Sedum

Intense blue foliage make this unique new selection a great choice for landscape or patio. Remains colorful all summer long, unlike other varieties. Large, contrasting hot pink flowers clusters dance above the foliage in late summer. Useful as colorful ground cover or feature in rock garden or container.

10



**Zagreb Threadleaf
Tickseed Coriopsis**

Very large, dense heads of light purple buds contrast with the dark violet-purple flowers on a shorter, sturdier form than other varieties. Wonderful in a mass planting or border. The showy flower heads reach their peak in fall, and if left standing will provide winter interest and food for birds. Evergreen in mild winter regions.

11

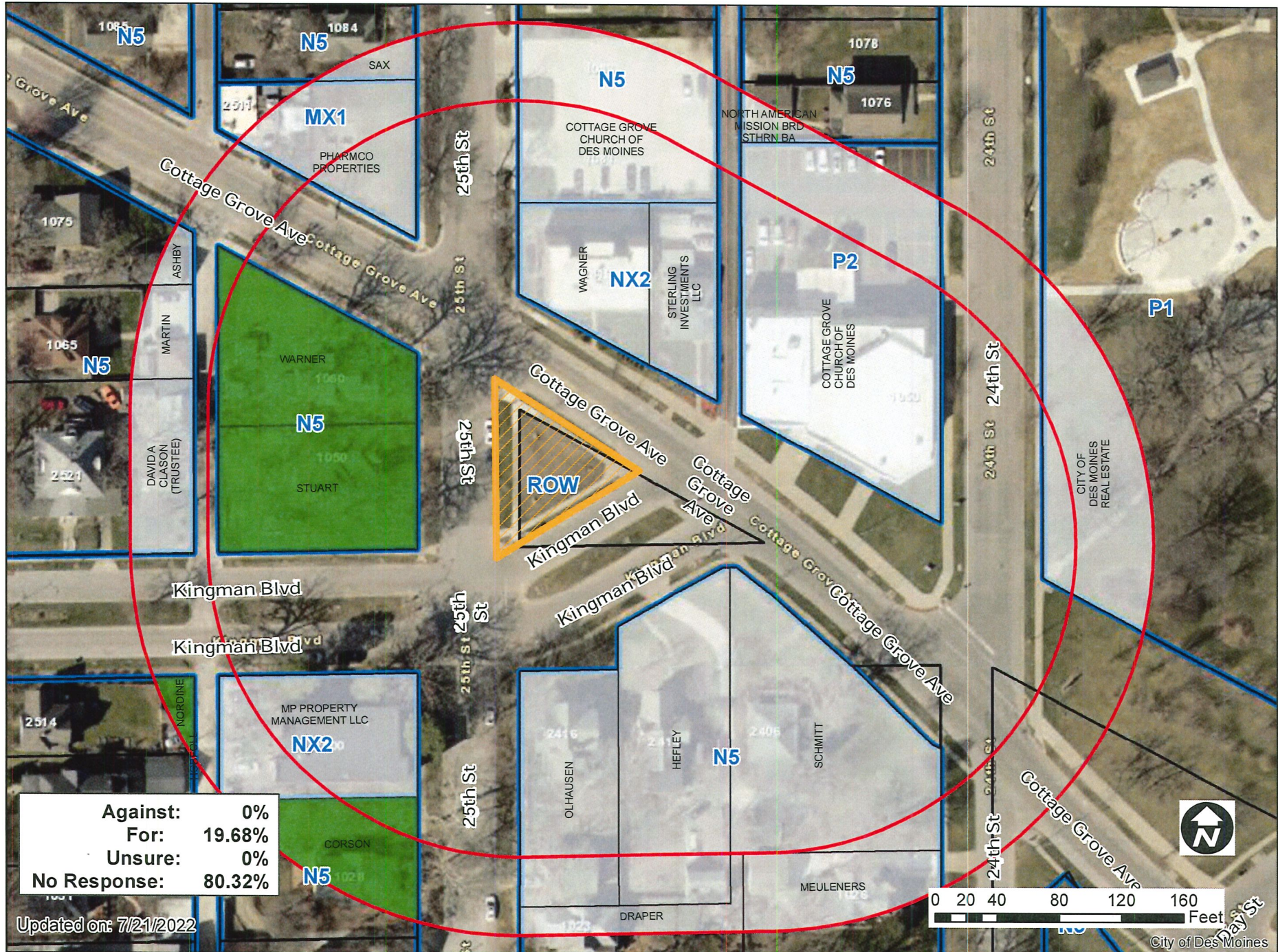


Northwind Switch Grass

A compact, clumping grass with excellent vertical form. Olive to blue-green foliage turns golden yellow in autumn. Airy flower panicles produce showy seed heads and lend winter interest. Sturdy stems stay upright, even under snow load, giving protection to wintering songbirds. Good for erosion control.



Rendering of planting plan



#: ZONG-2022-000063

Date: 7/14/22

Use mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Garnet Nordine

Name: Garnet Nordine

Address: 2514 Kingman Blvd.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 20 2022

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

I'm confused -> it already
is a garden with a swing. ??

#: ZONG-2022-000063

Date: 7/16/22

Use mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Barbara Corson

Name: Barbara Corson

Address: 1028 25th St

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 19 2022

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

It has already been done.

ZONG-2022-000063

Date: 7/16/22

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 20 2022

Signature: [Signature]
 Name: 1000 25th St Emily Robinson
 Address: 1000 25th St DSM 50311

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

[Blurred area] *Opp!*
Sorry!

ZONG-2022-000063

Date: 7/17/22

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 18 2022

Signature: [Signature]
 Name: Allison Stuart
 Address: 1050 25th St.

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

From: [Emily Robinson](#)
To: [Dostart, Katherine E.](#)
Subject: Re: 2400 block CG & 25th & Kingman
Date: Friday, July 15, 2022 4:17:52 PM

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.

This is great, thank you!
You provided a lot of clarity which I appreciate. A few neighbors were talking about it and had some questions and so I wanted to be sure we had a better understanding.

Thanks again. Seeing the proposed plan, I have no concerns and am happy to mail in my card :)

Have a wonderful weekend!
Emily

On Fri, Jul 15, 2022 at 11:08 AM Dostart, Katherine E. <KEDostart@dmgov.org> wrote:

Hi Emily,

Thanks for your email. In the case of this request, the Drake Neighborhood Association has been working with the City for a few years now to complete the proper procedures to utilize this little nugget of land for the neighborhood welcome sign and garden. It has been city-owned right-of-way for a very long time, so it is considered public land. A simple example would be to consider this similar to the area within a roundabout.

The vacation process for this area has been a little bit complicated. A legal description was required and ended up taking about two years to generate. Our Legal Department determined since so much time had lapsed, that a new rezoning process would be required. It was determined that the vacation process was completed once the legal description was finalized. You can find the history of roll calls, etc. within the staff report which I've attached. A vacation process is used to determine if an area within a right-of-way should be maintained for public access or not. In this case, as the request came from the Neighborhood Association to place a garden for public use on, it would still be available for public access. The City maintains ownership of the area, but the Neighborhood Association is asking for the right and responsibility of use and maintenance for their purposes, and that is where the public/private label comes in. The vacation process for this area included setting up a 20-year lease to the Drake Neighborhood Association – this process is what is necessary and allows for the DNA to install the garden and eventually the sign. While Neighborhood Associations are separate from the City, they have to register with the City and adhere to the by-laws established and maintained within the Neighborhood Development Division. As such, the Neighborhood Associations work closely with city staff and often receive technical assistance. This is an unusual case where the close partnership between the DNA and the City facilitated beginning the lease to the DNA while the legal description was being finalized and this is why some of the garden elements have already gone in. This area is not

associated with any private property in the neighborhood.

I've attached the garden proposal we received with the request in 2020 from the Neighborhood Association. The sign has to conform to our Zoning Ordinance regulations which can be found in Chapter 134 of the Municipal Code (https://library.municode.com/ia/des_moines/codes/code_of_ordinances). The general example of the proposed sign is available on page 3 of the proposal, though it doesn't provide dimensions at this stage. If the "P1" District is approved, the sign would need to be a monument sign that does not exceed a total of 75 square feet nor 8 feet in height.

Please let me know if you have additional questions or would like any further explanations. If you have comments that exceed the space on the comment card provided with the notice, you can email those to me. We do add any comments received from members of the public to the presentation given at the Board.

Thank you for your engagement,

Katherine.

KATHERINE DRAHOS | CITY OF DES MOINES

o: 515.283.4964 | m: 515.210.4811

From: Emily Robinson <emilys0423@gmail.com>
Sent: Thursday, July 14, 2022 10:17 PM
To: Dostart, Katherine E. <KEDostart@dmgov.org>
Subject: 2400 block CG & 25th & kingman

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,

I had a couple questions regarding the rezoning of the triangle.

What is a public/private property? Who is responsible for it?

How has the triangle been recently vacated? Or is it somehow associated with a home recently sold on the 2400 block?

What type of signage are we looking into? Size being the main concern. Many of the new afghan refugees utilize the area for their prayers to the East... it seems like a space they're quite at peace being in as is.

Why does the zoning mention for development of a garden and swing when those already exist? The sign seems to be the only thing permission, if that's the right word, would be needed for.

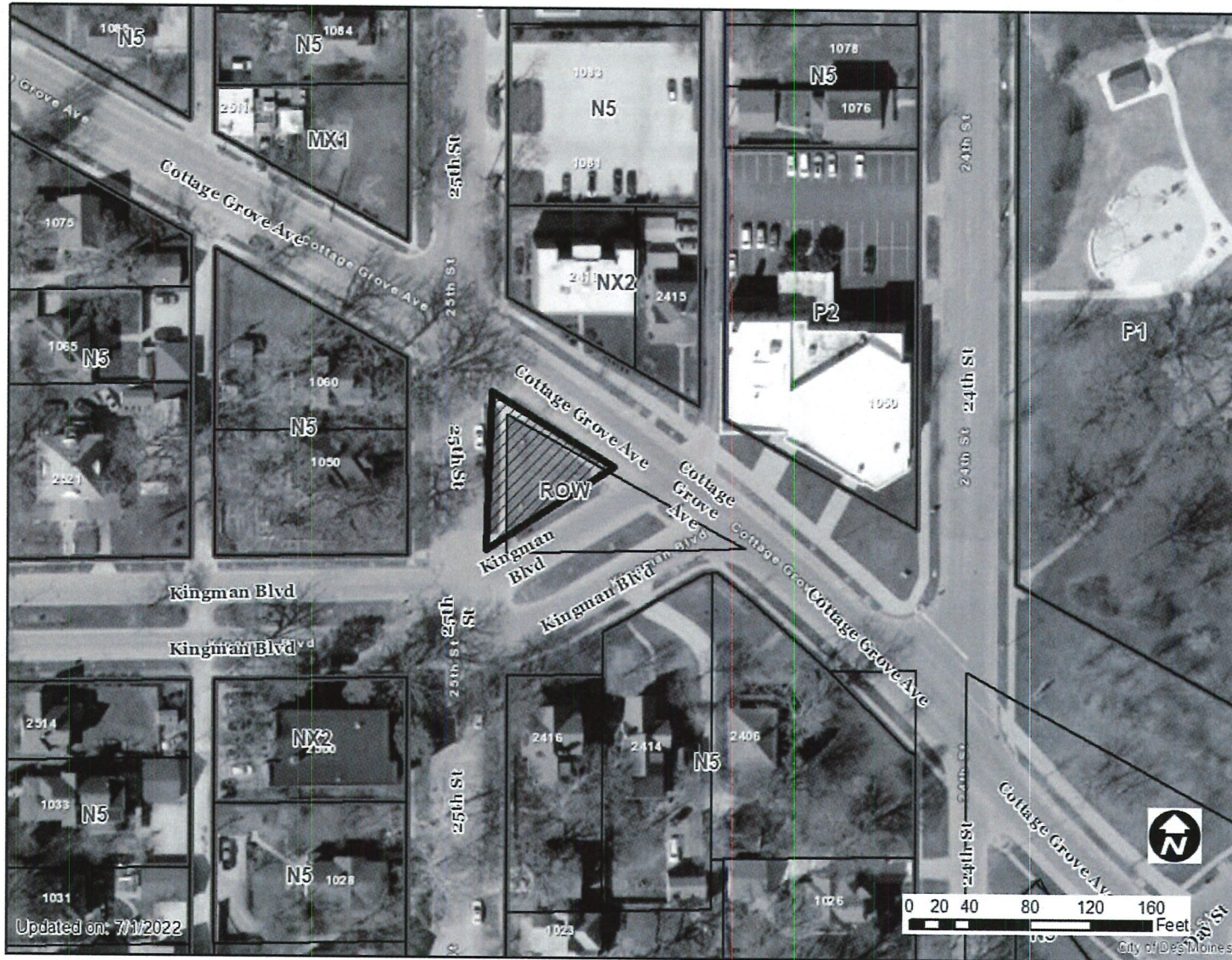
Thanks for offering your email to answer questions. I'm traveling for work and will not be able to attend the meeting. I don't want to immediately vote no via mail but that's where I'm leaning towards currently so I wanted to gather more information. My home is directly across from the triangle so I'm particular interested as it potentially influences our front porch and bedroom views of downtown which I enjoy thoroughly.

I appreciate your time!

Emily Robinson

Drake Neighborhood Association, Vicinity of 2400 Block of Cottage Grove Avenue

ZONG-2022-000063



1 inch = 82 feet