



Date October 3, 2022

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 4021 PROPERTIES, LLC (OWNER), REPRESENTED BY JENNY SMITH (OFFICER), FOR PROPERTY LOCATED AT 4019 AND 4021 INGERSOLL AVENUE, TO REZONE THE PROPERTY FROM “RX2” MIXED-USE DISTRICT TO LIMITED “RX2” MIXED-USE DISTRICT TO ALLOW A 2-STORY BUILDING ADDITION FOR EXPANSION OF OFFICE USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from 4021 Properties, LLC (owner), represented by Jenny Smith (officer), to Amend PlanDSM Creating Our Tomorrow Plan to Revise the Future Land Use Classification from medium density residential to community mixed use, to rezone the Property from “NX2” Neighborhood Mix District to Limited “RX2” Mixed-Use District, to allow a 2-story building addition for expansion of office use, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

**WHEREAS**, by Ordinance No. 16,163, the City Council of the City of Des Moines rezoned said Property from “NX2” Neighborhood Mix District to “RX2” Mixed-Use District;

**WHEREAS**, prior to the passage of said Ordinance No. 16,163, the owner consented to the following condition for such rezoning: Any future construction on the site shall be in accordance with the “Preservation Brief 14: New Exterior Additions to Historic Buildings” to the satisfaction of the City’s Planning Administrator; and

**WHEREAS**, due to this condition, further action is required by the City Council in order rezone the Property from “RX2” Mixed-Use District to Limited “RX2” Mixed-Use District; and

**WHEREAS**, the Property is legally described as follows:

The East 80 feet of the North 200 feet of the South 217 ½ feet of Lot 7 in Greenwood Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County.

**WHEREAS**, on September 12, 2022, by Roll Call No. 22- 1413, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on October 3, 2022, at 5:00 p.m., at the City 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



**Roll Call Number**

**Agenda Item Number**

60

**Date** October 3, 2022

**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 rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from "RX2" Mixed-Use District to Limited "RX2" Mixed-Use District, to allow a 2-story building addition for expansion of office use, subject to the following condition: any future construction on the site be in accordance with the "Preservation Brief 14: New Exterior Additions to Historic Buildings" to the satisfaction of the City's Planning Administrator, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland  
Assistant City Attorney

(ZONG-2022-000054)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



August 18  
Date July 18, 2022  
Agenda Item 56  
Roll Call # 22-1186

June 22, 2022

54

Communication from the City Plan and Zoning Commission advising that at their June 16, 2022 meeting, the following action was taken regarding a request from 4021 Properties, LLC (owner), represented by Jenny Smith (officer) to rezone property located at 4019 and 4021 Ingersoll Avenue from "NX2" Neighborhood Mix District to "RX2" Mixed-Use District to allow a 2-story building addition for expansion of office use.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
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 PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Medium Density Residential to Community Mixed-Use.

Part C) Approval of the proposed rezoning of the subject property from "NX2" Neighborhood Mix District to "RX2" Mixed-Use District, subject to the condition that any future construction on the site be in accordance with "Preservation Brief 14: New Exterior Additions to Historic Buildings" to the satisfaction of the City's Planning and Urban Design Administrator.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Medium Density Residential to Community Mixed-Use.

Part C) Staff recommends approval of the proposed rezoning of the subject property from "NX2" Neighborhood Mix District to "RX2" Mixed-Use District, subject to the condition that any future construction on the site be in accordance with "Preservation Brief 14: New Exterior Additions to Historic Buildings" to the satisfaction of the City's Planning Administrator.

### Written Responses

2 in Favor

2 in opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would allow redevelopment of the southern portion of the subject property and the existing commercial building. The applicant is proposing to construct a new 2-story addition to the building's east façade side wall, which would have a roof patio.
- 2. Size of Site:** 16,000 square feet (0.367 acre).
- 3. Existing Zoning (site):** "NX2" Neighborhood Mix District.
- 4. Existing Land Use (site):** Office use.
- 5. Adjacent Land Use and Zoning:**
  - North** – "N1b"; Use is one-household residential.
  - South** – "PUD"; Uses include a mix of religious assembly, one-household residential, and multiple-household residential.
  - East** – "N5" & "RX2"; Uses include one-household residential and office.
  - West** – "NX3"; Use is multiple-household residential.
- 6. General Neighborhood/Area Land Uses:** The subject property is located on the southern portion of the parcel located along the north side of Ingersoll Avenue between 40<sup>th</sup> Street and 41<sup>st</sup> Street.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located within the North of Grand Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 27, 2022 and by



mailing of the Final Agenda on June 10, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 27, 2022 (20 days prior to the public hearing) and June 6, 2022 (10 days prior to the public hearing) to the North of Grand 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 North of Grand Neighborhood Association mailings were sent to Jim Stavneak, 637 41<sup>st</sup> Street, Des Moines, IA 50312.

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

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

**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 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 applicant is requesting that the future land use designation for the property be amended from "Medium Density Residential" to "Community Mixed Use." 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.*

*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.*

The subject property is currently zoned "NX2" Neighborhood Mix District. The Zoning Ordinance describes this district as "intended for a mix of single household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood."

The applicant is requesting to rezone the subject property to "RX2" Mixed-Use District in order to construct a two-story building addition and allow an increased office use. The Zoning Ordinance describes the "RX2" District as "intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1."

2. **Greenwood Park Plats National Historic District:** Both 4019 and 4021 Ingersoll are contributing structures to the Greenwood Park Plats National Historic District, which is listed on the National Register of Historic Places. Staff recommends that the *Preservation Brief 14: New Exterior Additions to Historic Buildings* be utilized to guide design development of any addition to 4019 Ingersoll Avenue prior to and through the Site Plan process, which is required for any future construction.
3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.
4. **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.

## **SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Anna Squire, MA Architecture stated they are familiar with Preservation Brief 14 and will ensure the addition complements the existing architecture as well the neighborhood.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jim Stavneak, President of North of Grand Neighborhood Association, 637 41<sup>st</sup> Street read submitted letter verbatim.

Carol Maher, 701 Polk Blvd stated she hopes the final design will be in line with Preservation Brief 14 as the concept is not meeting those requirements. She would like to see the addition of bike racks and noted the separated bike lanes along Ingersoll Avenue.

Anna Squire stated if the rezoning is approved, the next step will be the site plan review which will address their parking and preservation brief 14 requirements. The residential building at 4021 is not a part of the project at this time as all units are occupied and the owner wishes to maintain the structure.

Abby Chungath asked if the parking located behind the building is being used to the maximum and does it serve this building.

Anna Squire stated it does serve the building. Depending on the day, as they have embraced remote work, it could be used to the maximum.



Abby Chungath asked if expansion of parking is expected.

Anna Squire stated they have yet to discuss parking but it's not in the plans at this time.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Dory Briles made a motion for:

Part A) The requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Medium Density Residential to Community Mixed-Use.

Part C) Approval of the proposed rezoning of the subject property from "NX2" Neighborhood Mix District to "RX2" Mixed-Use District, subject to the condition that any future construction on the site be in accordance with "Preservation Brief 14: New Exterior Additions to Historic Buildings" to the satisfaction of the City's Planning and Urban Design Administrator.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

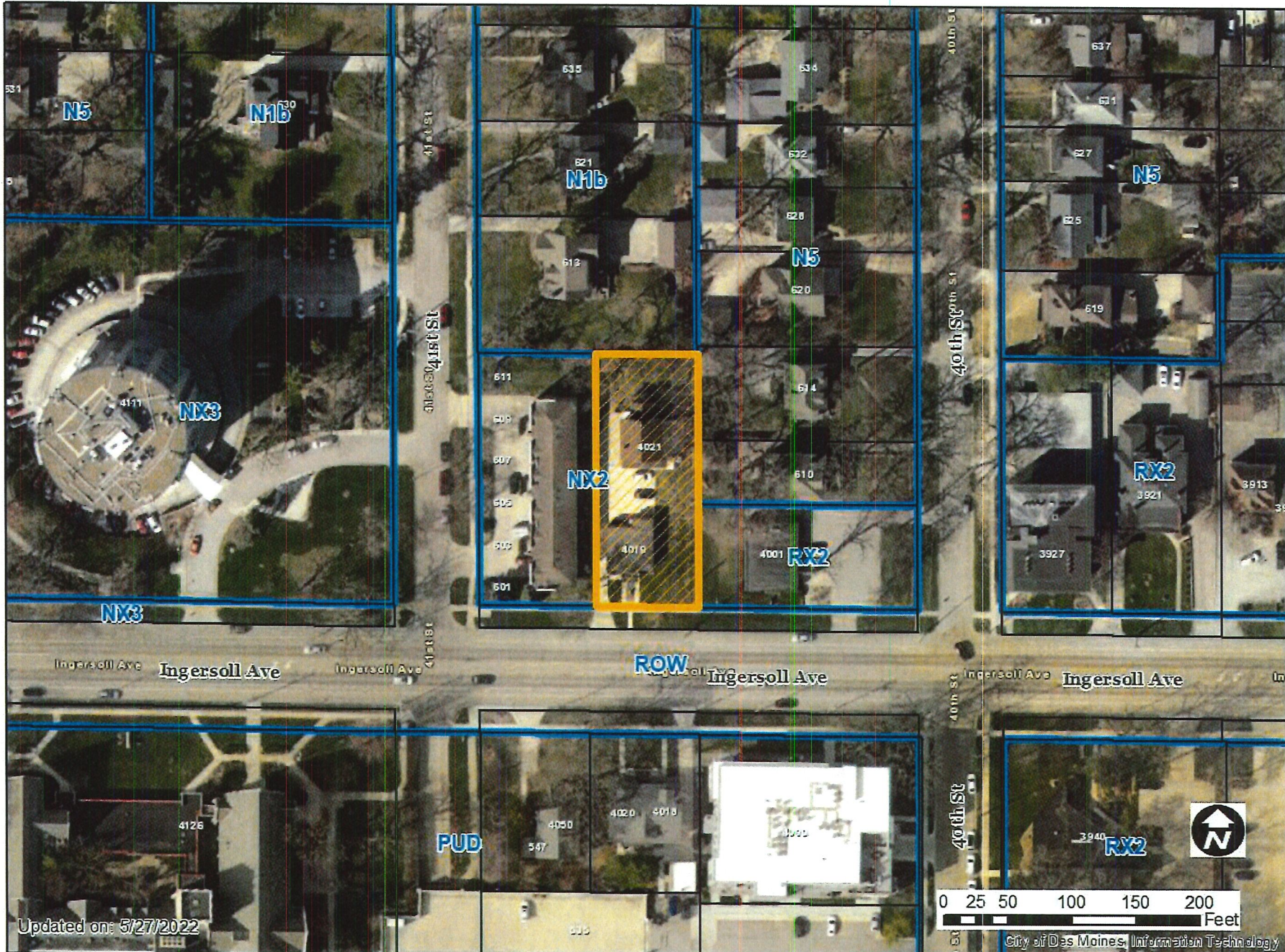
JMV:tjh



4021 Properties, LLC, 4019 and 4021 Ingersoll Avenue

54 56

ZONG-2022-000054



Updated on: 5/27/2022

0 25 50 100 150 200 Feet

City of Des Moines, Information Technology

1 inch = 100 feet



54 56

June 13, 20

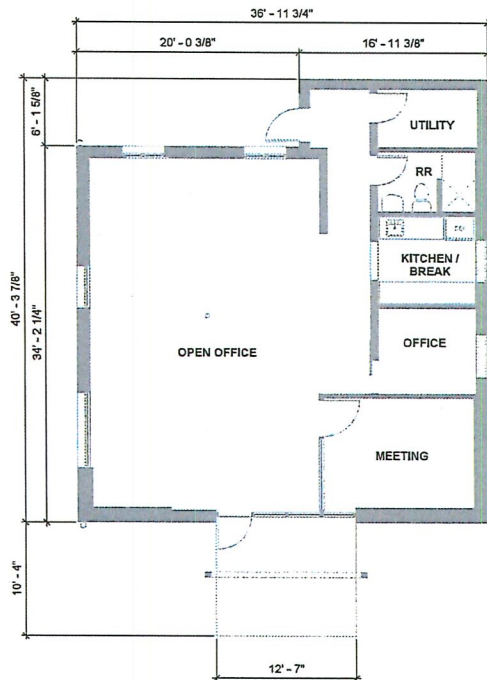
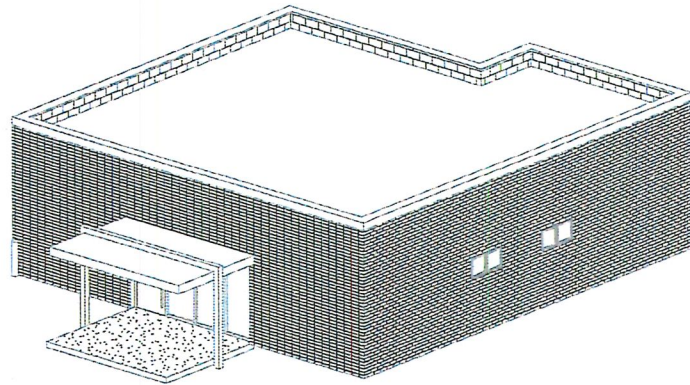










# EXISTING BUILDING



**BUILDING AREAS:**  
Total Building Area 1,368 GSF

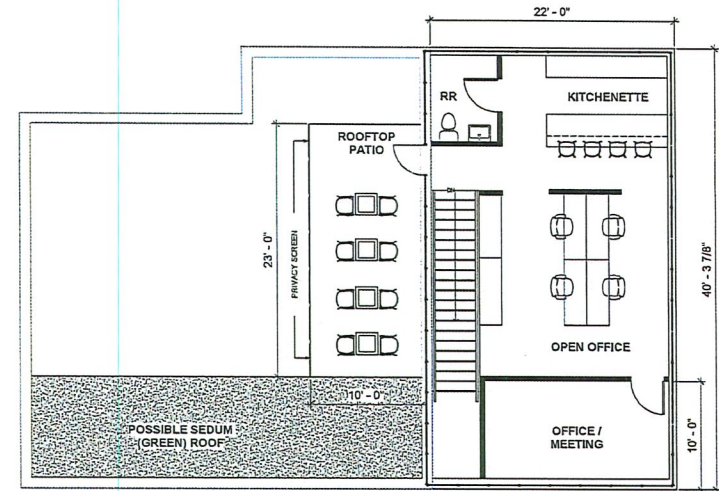
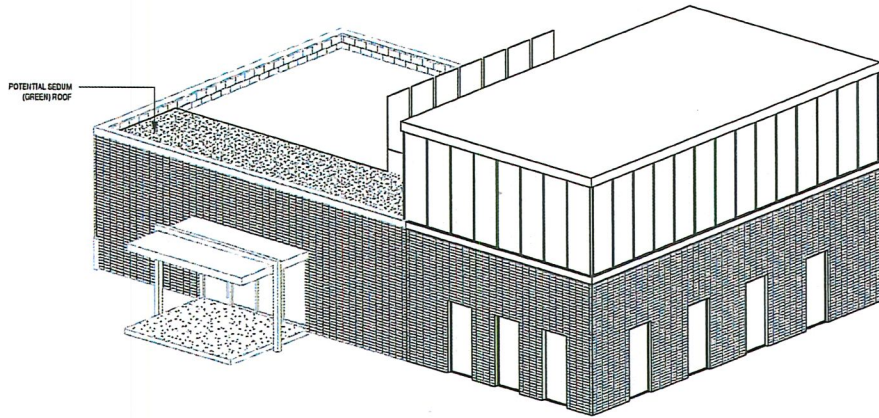
Private Offices: 1  
Conference: 1  
Open Office Seats: 12

 new walls  
 existing walls



54 56

# PROPOSED BUILDING PLAN



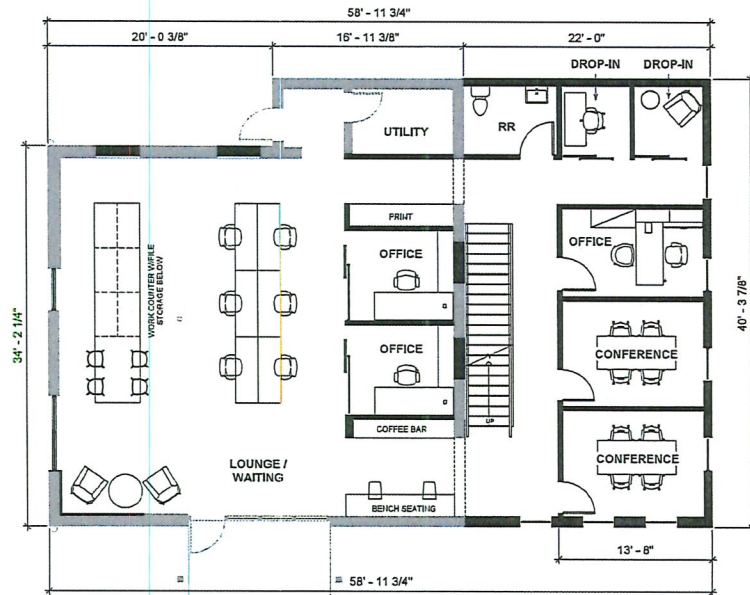
## DESCRIPTION:

Two-story side addition with rooftop patio over portion of existing roof. Level 1 is primarily work space: open office work area, private offices, drop-in rooms, and meeting spaces. Level 2 is additional work space (possibly for an additional tenant), restroom, and shared kitchenette.

## BUILDING AREAS:

Renovation	1,270 SF
Addition	1,775 SF
<b>Total Building Area</b>	<b>3,412 GSF</b>
	2,256 SF (Level 1)
	926 SF (Level 2)
	230 SF (Patio)

Private Offices:	4
Conference:	2
Drop-in Rooms:	3
Open Office Seats:	10



4019 INGERSOLL

Des Moines, IA

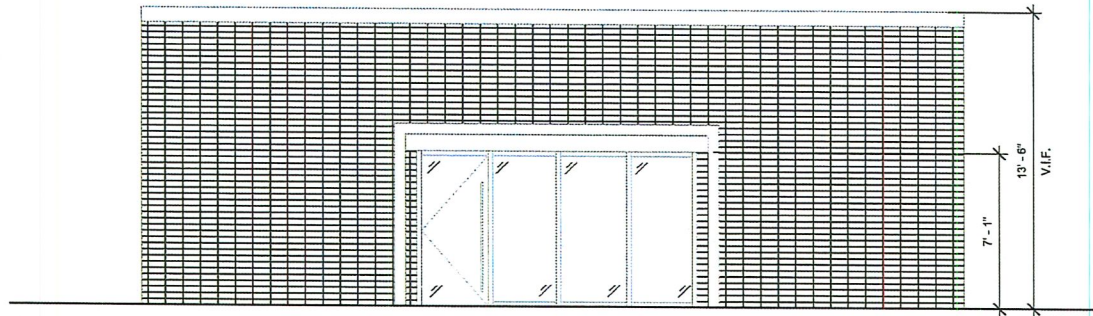
May 31, 2022

new walls  
 existing walls

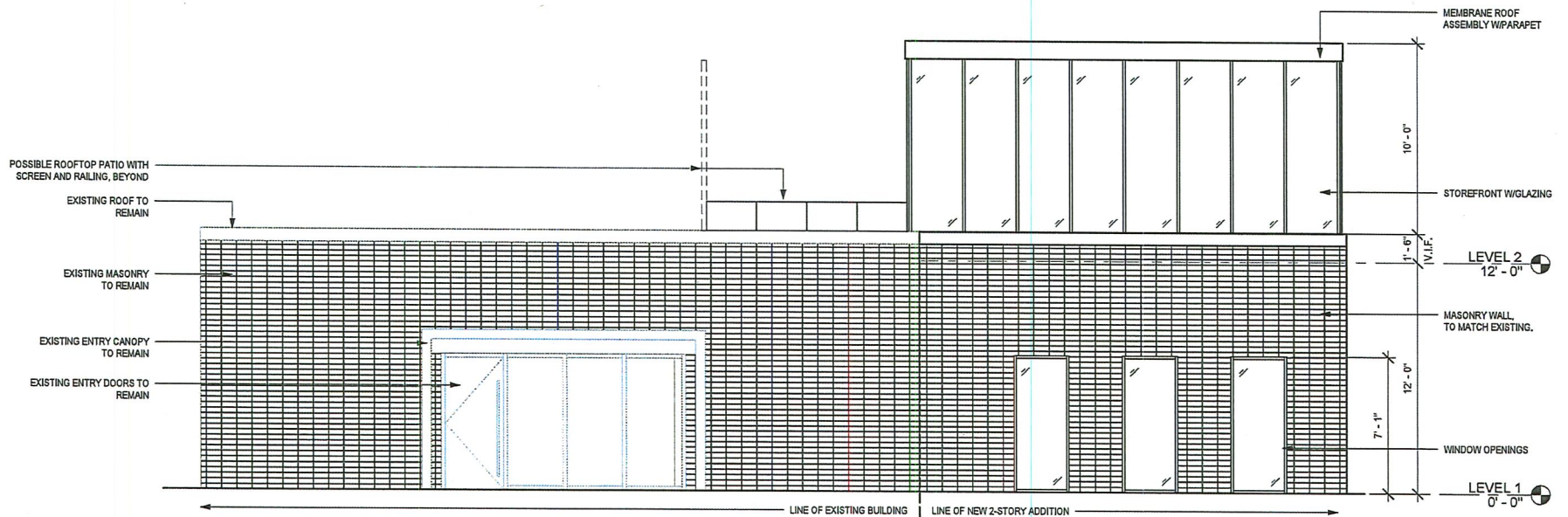




# 4019 INGERSOLL CONCEPT



SOUTH ELEVATION EXISTING  
1/8" = 1'-0"



SOUTH ELEVATION NEW  
1/8" = 1'-0"



4019 INGERSOLL

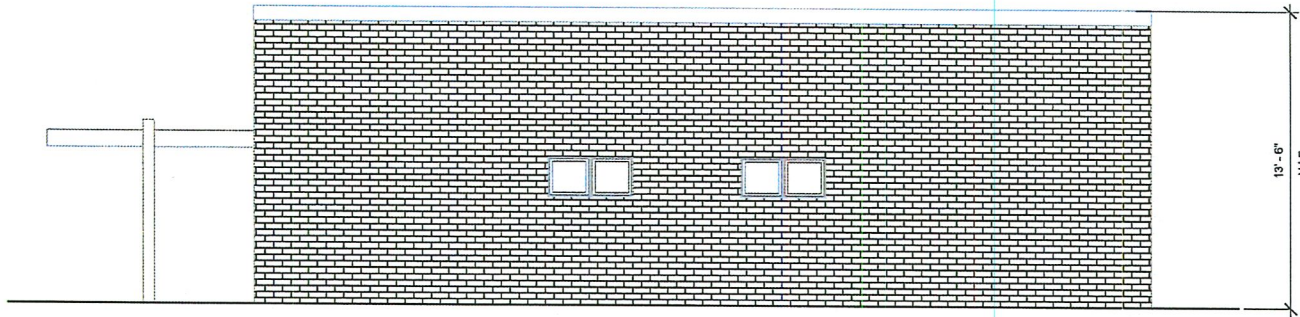
Des Moines, IA

May 31, 2022

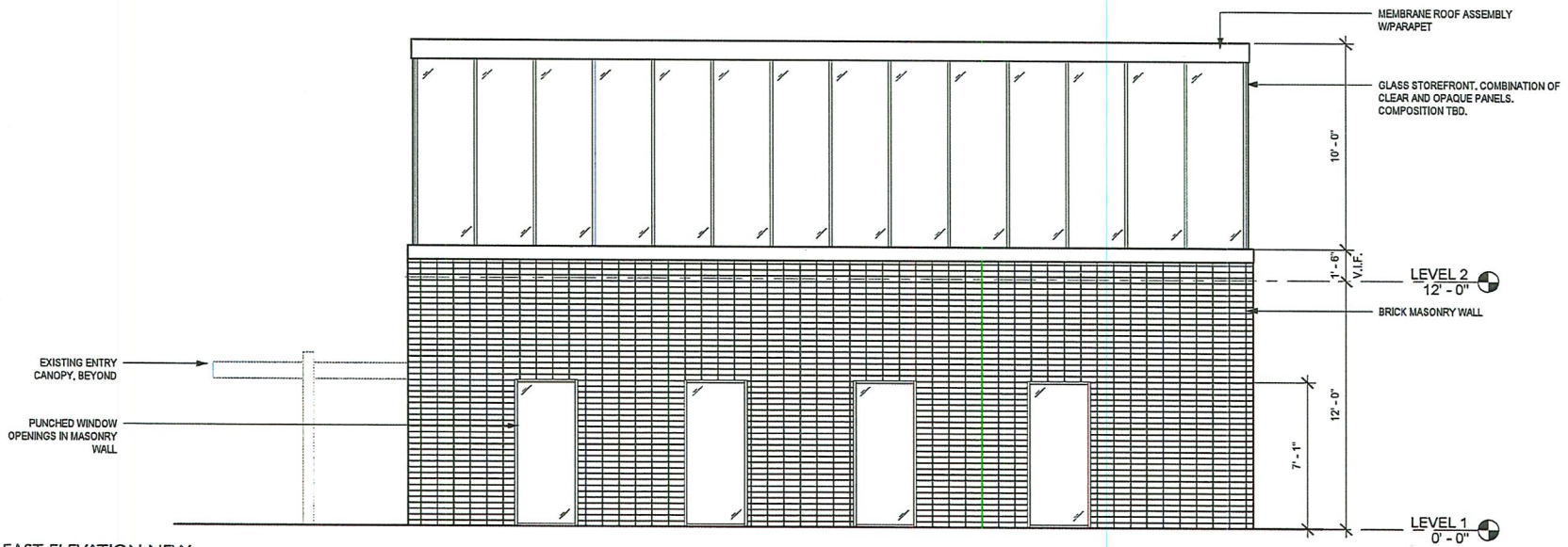
- new walls
- existing walls



# 4019 INGERSOLL CONCEPT



EAST ELEVATION EXISTING  
1/8" = 1'-0"



EAST ELEVATION NEW  
1/8" = 1'-0"



**4019 INGERSOLL**  
Des Moines, IA  
May 31, 2022

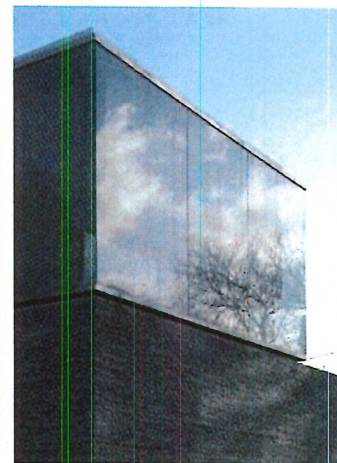
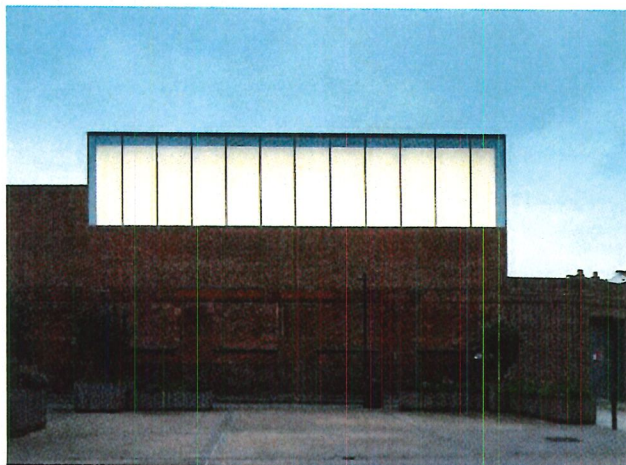
new walls  
 existing walls



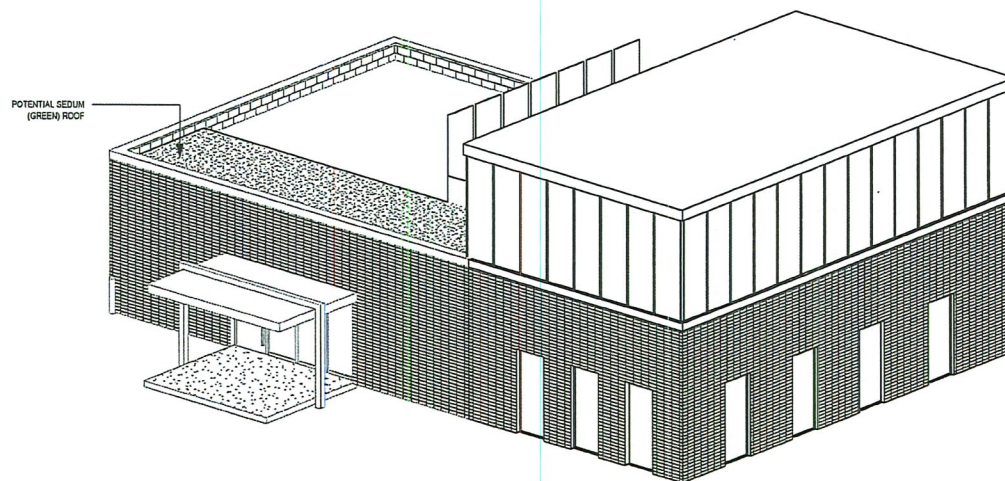
54 56

# 4019 PRECEDENTS

## EXTERIOR IMAGERY



3D ISOMETRIC VIEW OF PROPOSED ADDITION



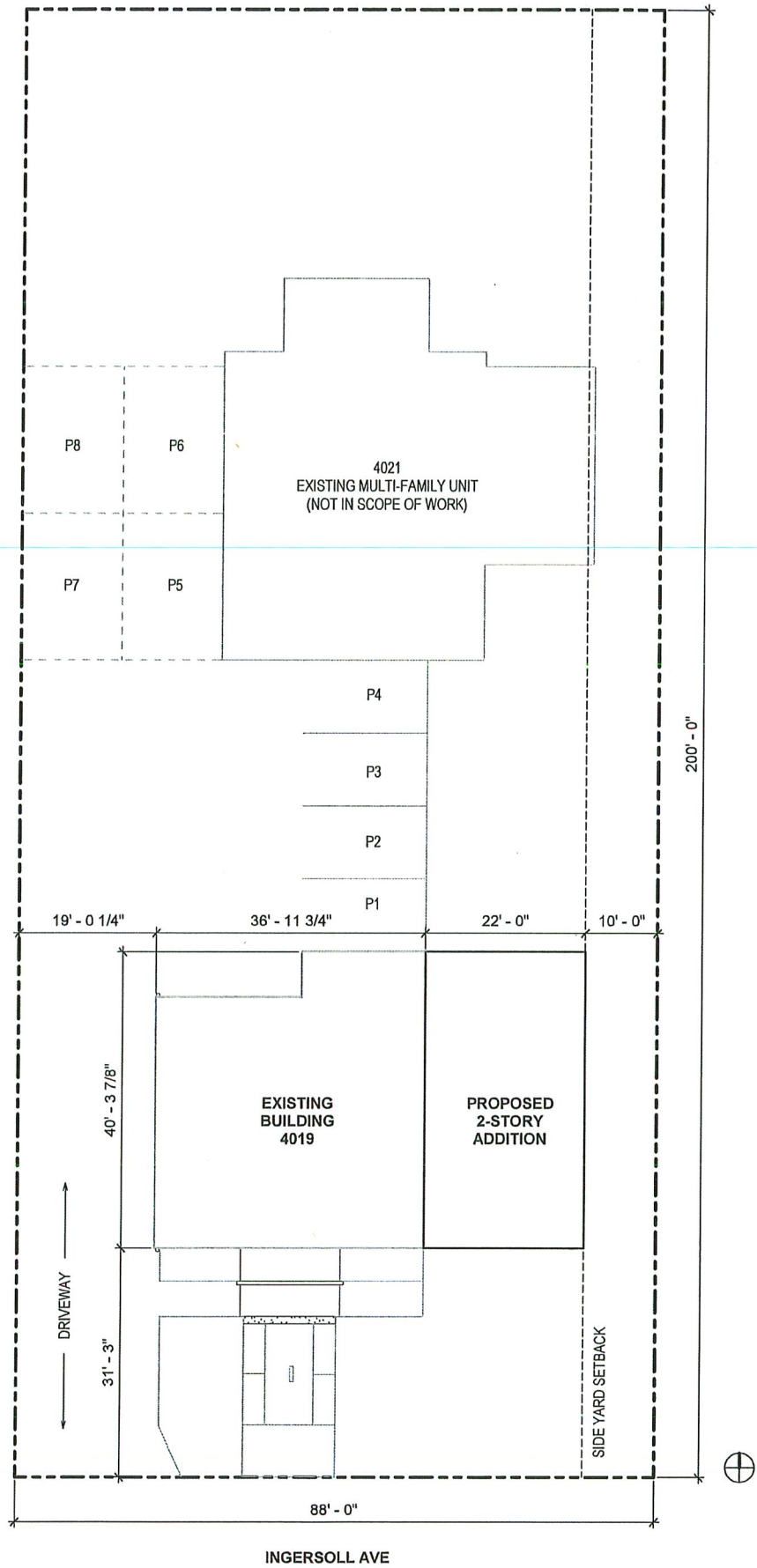
4019 INGERSOLL

Des Moines, IA

May 13, 2022



**4019 INGERSOLL**  
**SITE PLAN**



**4019 INGERSOLL**  
 Des Moines, IA  
 May 31, 2022

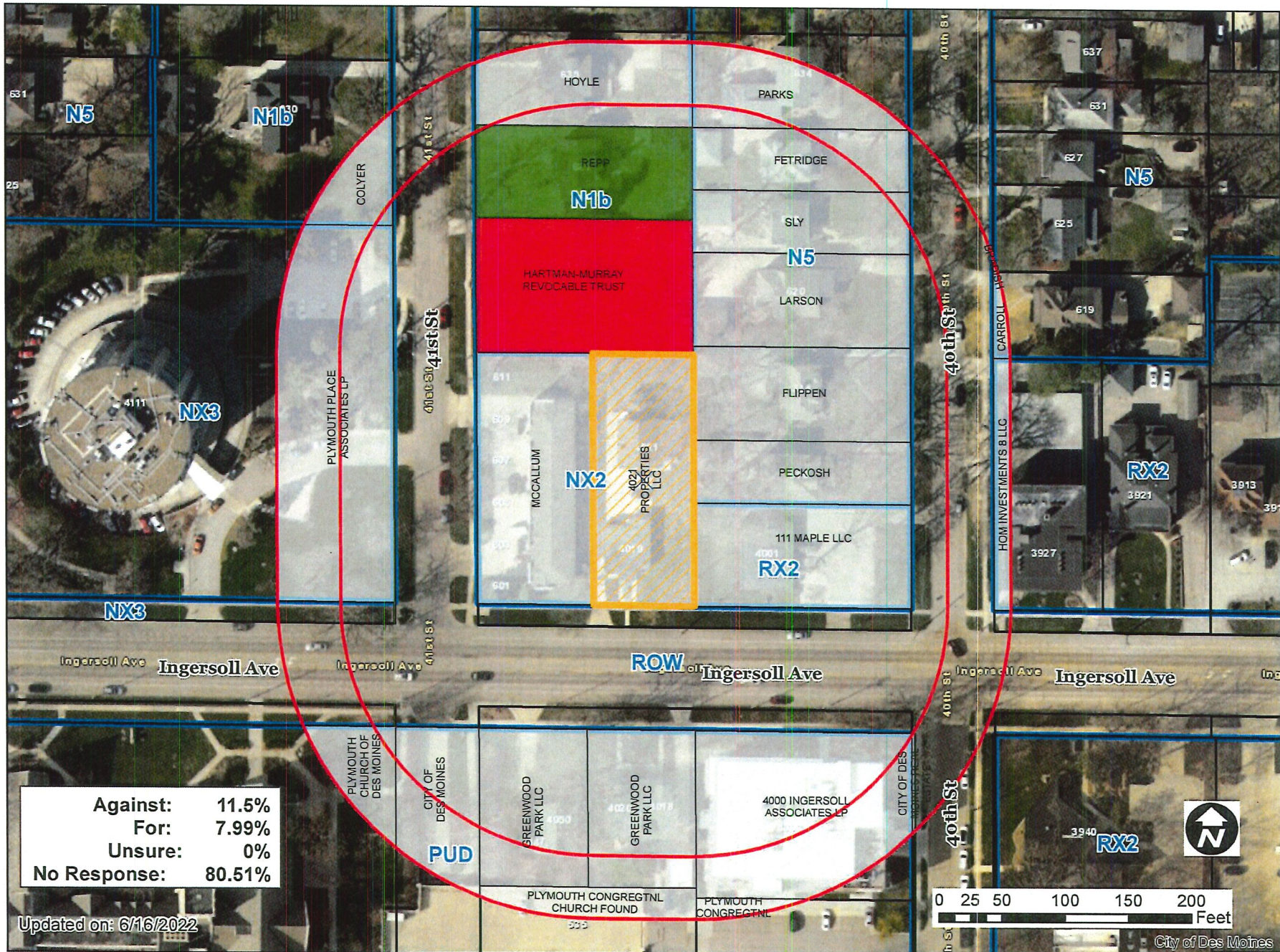
INGERSOLL AVE



4021 Properties, LLC, 4019 and 4021 Ingersoll Avenue

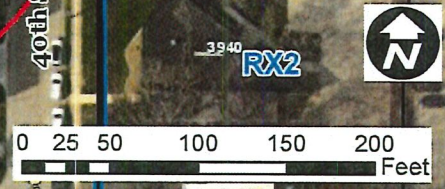
54 56

ZONG-2022-000054



Against:	11.5%
For:	7.99%
Unsure:	0%
No Response:	80.51%

Updated on: 6/16/2022



1 inch = 101 feet

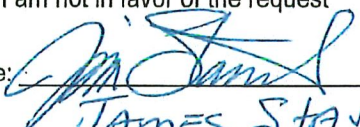


510  
BT

Item: ZONG-2022-000057 Date: 6-8-22

Please mark one of the following

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

Signature:   
Name: JAMES STANEAK  
Address: 637 41 st

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
JUN 13 2022

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

I have seen the site plan & details of  
the Bldg addition. I support it as long  
as the City approves the proposed parking  
plan. Jim 515-782-0511



Item: ZONG-2022-000054

Date:

6-9-22 <sup>54</sup> 56

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

David Repp

Name:

David Repp

Address:

621 41<sup>st</sup> Street

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 13 2022

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZONG-2022-000054

Date:

6-11-22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Aaron Lindebak

Name:

Aaron Lindebak

Address:

609 41<sup>st</sup> Street

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 13 2022

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

54 56

Item: ZONG-2022-000054 Date: \_\_\_\_\_

Please mark one of the following

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

Staff Use Only
<b>RECEIVED</b>
COMMUNITY DEVELOPMENT
<b>JUN 15 2022</b>

Signature: [Handwritten Signature]

Name: Jeff Huntman

Address: 613 41st

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

This end of Ferguson does not  
need 2 story commercial/business  
needs middle housing as zone.



56  
54

**Talking points on 4019/4021 Ingersoll**

June 16, 2022 DSM P&Z meeting

- My name is Jim Stavneak, I live at 637 41st street, and I appreciate the opportunity to be a part of this discussion. I am president of the North of Grand Neighborhood Assn, which the city of DSM recognizes as the official neighborhood association for the area including 4019 Ingersoll.
- The North of Grand's board consists of members who also live in close proximity to 4019 Ingersoll.
- In your packet listed as point #2 under Additional Applicable Information, both 4019 and 4021 Ingersoll are contributing structures to the Greenwood Park Plats National Historic District, which is listed on the National Register of Historic Places. The North of Grand board supports P&Z staff's recommendation that the Preservation Brief 14: in reference to New Exterior Additions to Historic Buildings, be utilized to guide design development of any addition to 4019 Ingersoll Avenue, prior to and through the Site Plan process, and will be a requirement for any future construction. The goal, of course, is a new addition that preserves the building's historic character.
- We assume you will approve the required parking spaces as proposed, if it requires additional off-street parking then we have concerns about the ability to keep the house at 4021 Ingersoll from being torn down for parking.
- 
- The North of Grand's board, and I as a resident living close to this property, are supportive of the rezoning of 4019 Ingersoll.
- Thank you for the opportunity to speak, and thank you for volunteering to serve on this important DSM committee



54 56

4021 Properties, LLC, 4019 and 4021 Ingersoll Avenue

ZONG-2022-000054



1 inch = 100 feet