

.....
Date January 9, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM KARY DUNN (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 810 EAST EUCLID AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 1, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Kary Dunn (owner), for the following regarding property located at 810 East Euclid Avenue:

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

Part B) Approval of the requested amendment to revise the future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Approval of the requested rezoning from “N5” Neighborhood District to Limited “MX3” Mixed Use District to allow the expansion of the parking lot on the property to the east, subject to the following conditions:

- 1) Provision of a Heavy Buffer between the proposed parking and the west property line of the subject property.
- 2) Provision of a Heavy Buffer between the proposed parking and the north property.
- 3) Any future construction or development of the site shall comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance (Chapter 135 of City Code).

WHEREAS, the Property is legally described as follows:

The East 43 feet of Lots Eighty-six (86) and Eighty-seven (87) in CAMPUS PARK, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on December 12, 2022, by Roll Call No. 22-1882, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on January 9, 2023, 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



Roll Call Number

Agenda Item Number

43

Date January 9, 2023

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.

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 and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential within a Community Node to Community Mixed Use within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N5" Neighborhood District to Limited "MX3" Mixed Use District, to allow the expansion of the parking lot on the property to the east, subject to the conditions set forth above, 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-2022-000098 & ZONG-2022-000088)

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

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

Date January 9, 2023

Agenda Item 43

Roll Call # _____

December 6, 2022

Communication from the City Plan and Zoning Commission advising that at their December 1, 2022 meeting, the following action was taken regarding a request from Kary Dunn (owner) to rezone property located at 810 East Euclid Avenue from “N5” Neighborhood District to “MX3” Mixed Use District, to allow the expansion of the parking lot on the property to the east (Git-N-Go).

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			
Katie Gillette	X			

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

Part B) Approval of the requested amendment to revise the future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Approval of the requested rezoning from “N5” Neighborhood District to “MX3” Mixed Use District, subject to the following conditions:

1. Provision of a Heavy Buffer between the proposed parking and the west property line of the subject property.
2. Provision of a Heavy Buffer between the proposed parking and the north property.
3. Any future construction or development of the site shall comply with all applicable site plan and design regulations of the City's Planning and Design Ordinance (Chapter 135 of City Code).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

Part B) Staff recommends approval of the requested amendment to revise the future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Staff recommends approval of the requested rezoning from "N5" Neighborhood District to "MX3" Mixed Use District, subject to the following conditions:

1. Provision of a Heavy Buffer between the proposed parking and the west property line of the subject property.
2. Provision of a Heavy Buffer between the proposed parking and the north property.
3. Any future construction or development of the site shall comply with all applicable site plan and design regulations of the City's Planning and Design Ordinance (Chapter 135 of City Code).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow the property to be used in common with the Git-N-Go (gas station/convenience store) use on the property adjacent to the east. The existing dwelling would be removed and replaced with additional off-street parking.

Any future construction or redevelopment 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.

2. **Size of Site:** 4,300 square feet (0.099 acres).
3. **Existing Zoning (site):** "N5" Neighborhood District.
4. **Existing Land Use (site):** The subject property consists of a single-household dwelling.

5. Adjacent Land Use and Zoning:

North – “N5”; Uses are low density residential.

South – “N5” & “MX3”; Uses are low density residential and mixed-use.

East – “MX3”; Uses are mixed-use (Git-N-Go, AutoZone, and drive-through restaurants).

West – “N5”; Uses are low density residential.

6. General Neighborhood/Area Land Uses: The subject property is located on the north side of East Euclid Avenue to the west of the intersection with Wright Street. It is located in an area consisting of a mix small commercial uses and one-household residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Highland Park Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on November 10, 2022 and by mailing of the Final Agenda on November 23, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on November 10, 2022 (20 days prior to the public hearing) and November 21, 2022 (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 Development Division on the date of the mailing. The Highland Park Neighborhood Association mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50315.

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

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential within a Community Node centered at East Euclid Avenue and East 14th Street.

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 “Low Density Residential” within a “Community Node” to “Community Mixed Use” within a “Community Node”. PlanDSM describes this designation as follows:

Low Density Residential: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

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.

Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The subject parcel is currently zoned “N5” Neighborhood District. The Zoning Ordinance describes “N5” district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.”

The applicant is proposing to rezone the subject parcel to the “MX3” District. The Zoning Ordinance describes “MX3” district as, “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.”

The proposed rezoning would allow the Git-N-Go on the adjacent property to expand its off-street parking lot onto the subject property. In order to minimize impacts to residential uses that would be adjacent to the proposed parking lot, Staff recommends zoning conditions requiring any parking lot to provide Heavy Buffer along the west and north property lines of the subject property, in accordance with City Code Section 135-7.8.4, as applicable in an “MX3” Mixed Use District.

Staff believes that the proposed amendment and rezoning would be appropriate and consistent with the existing character of the surrounding area so long as any development of the subject property is in accordance with the conditions of approval.

- 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:

Justyn Lewis made a motion for:

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

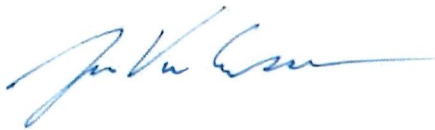
Part B) Approval of the requested amendment to revise the future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Approval of the requested rezoning from "N5" Neighborhood District to "MX3" Mixed Use District, subject to the following conditions:

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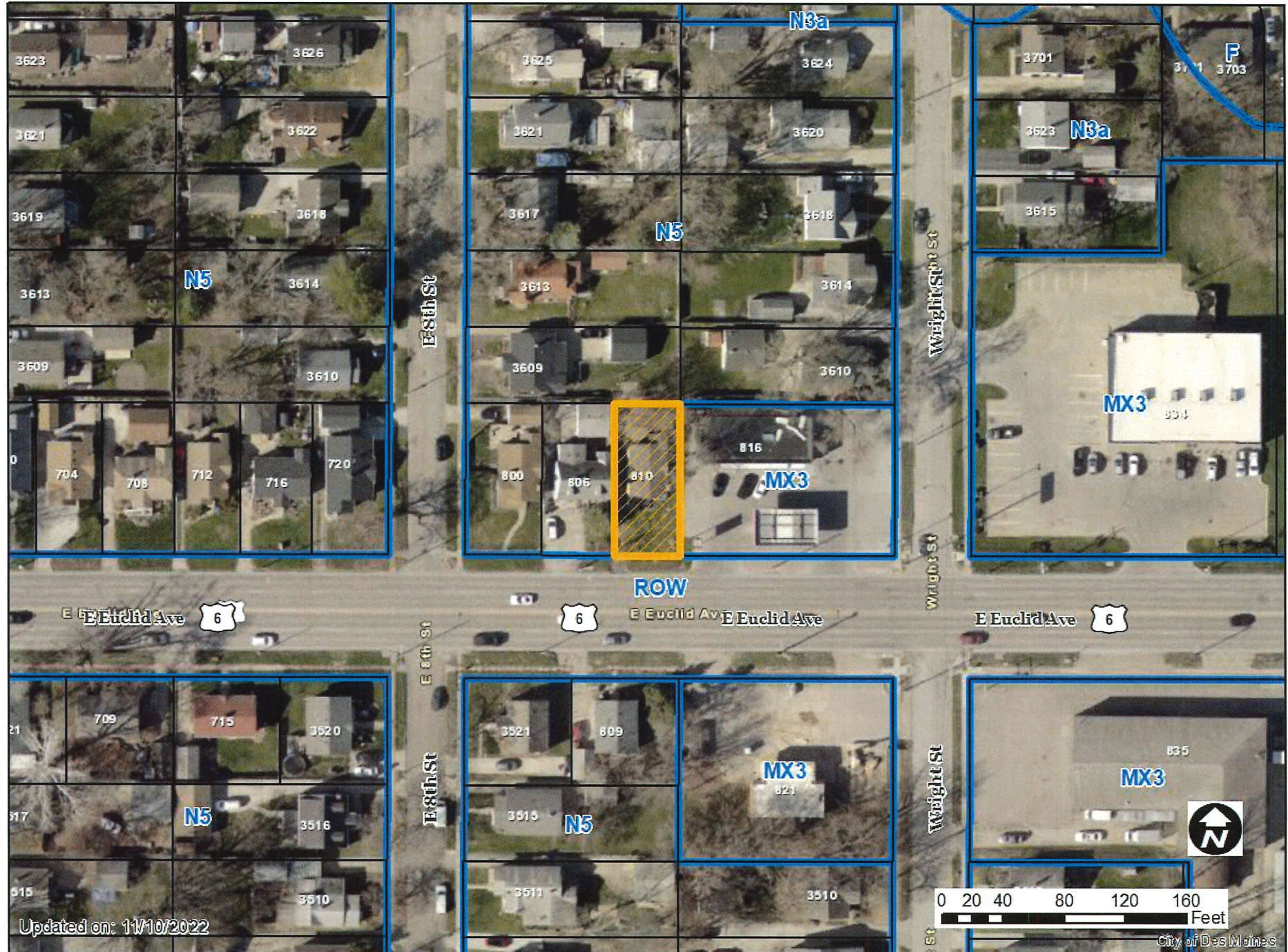
Motion passed: 13-0

Respectfully submitted,



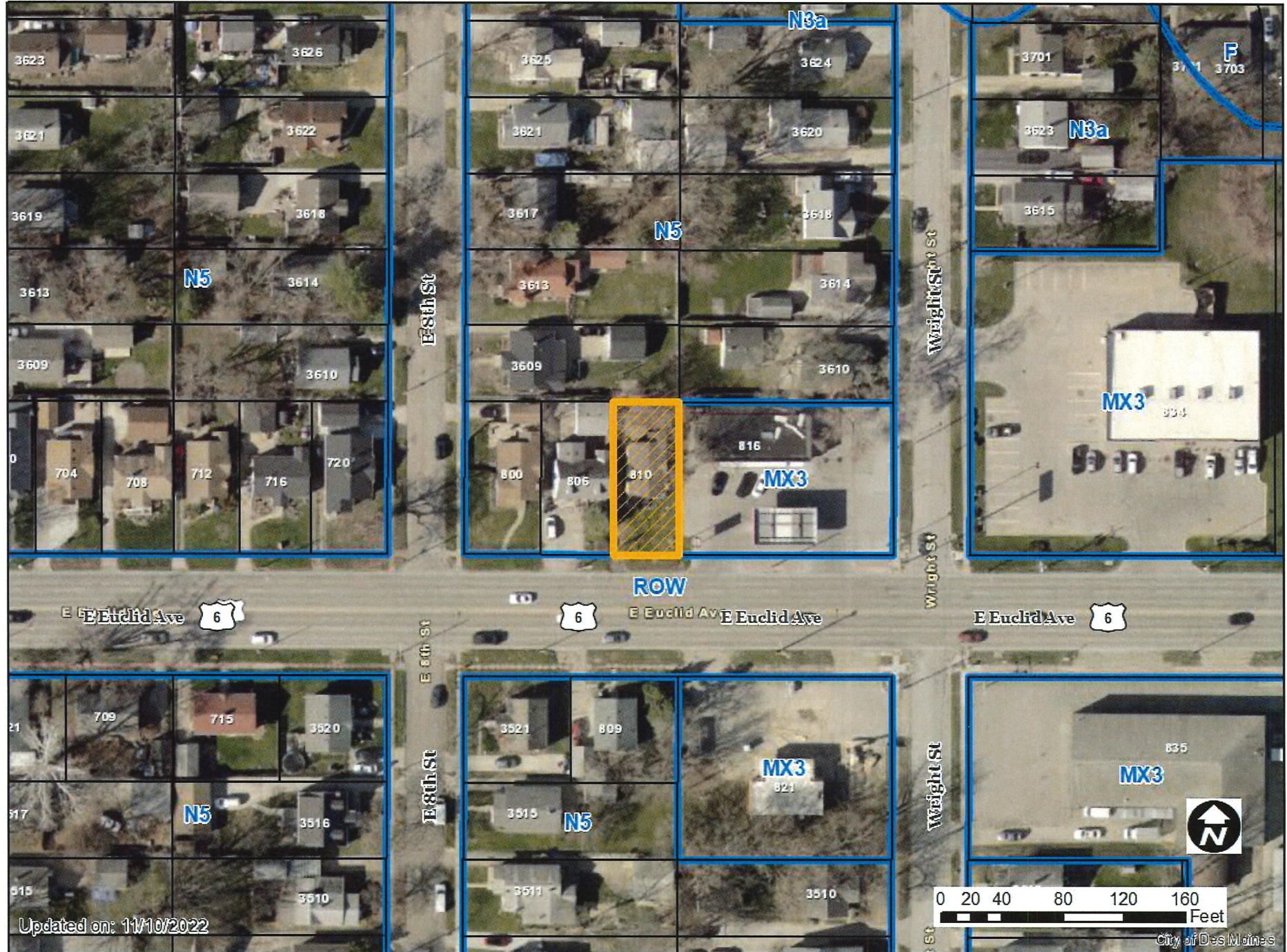
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 11/10/2022

1 inch = 83 feet



Updated on: 11/10/2022

1 inch = 83 feet

Google Maps 900 Grand Army of the Republic Hwy

Des Moines, Iowa

Google

Street View - Jul 2021

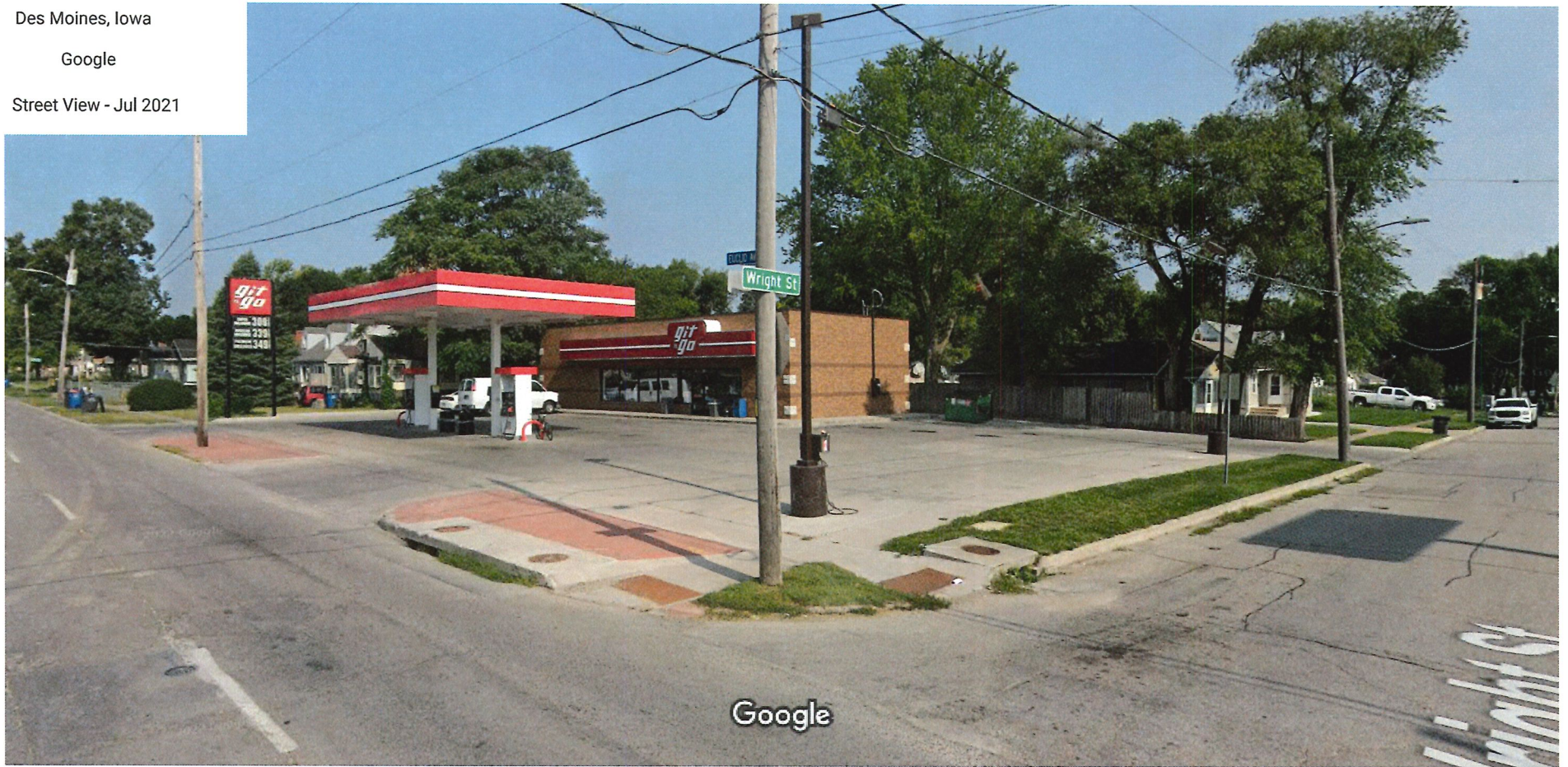


Image capture: Jul 2021 © 2022 Google



Google Maps 810 E Euclid Ave

Des Moines, Iowa

Google

Street View - Jul 2021

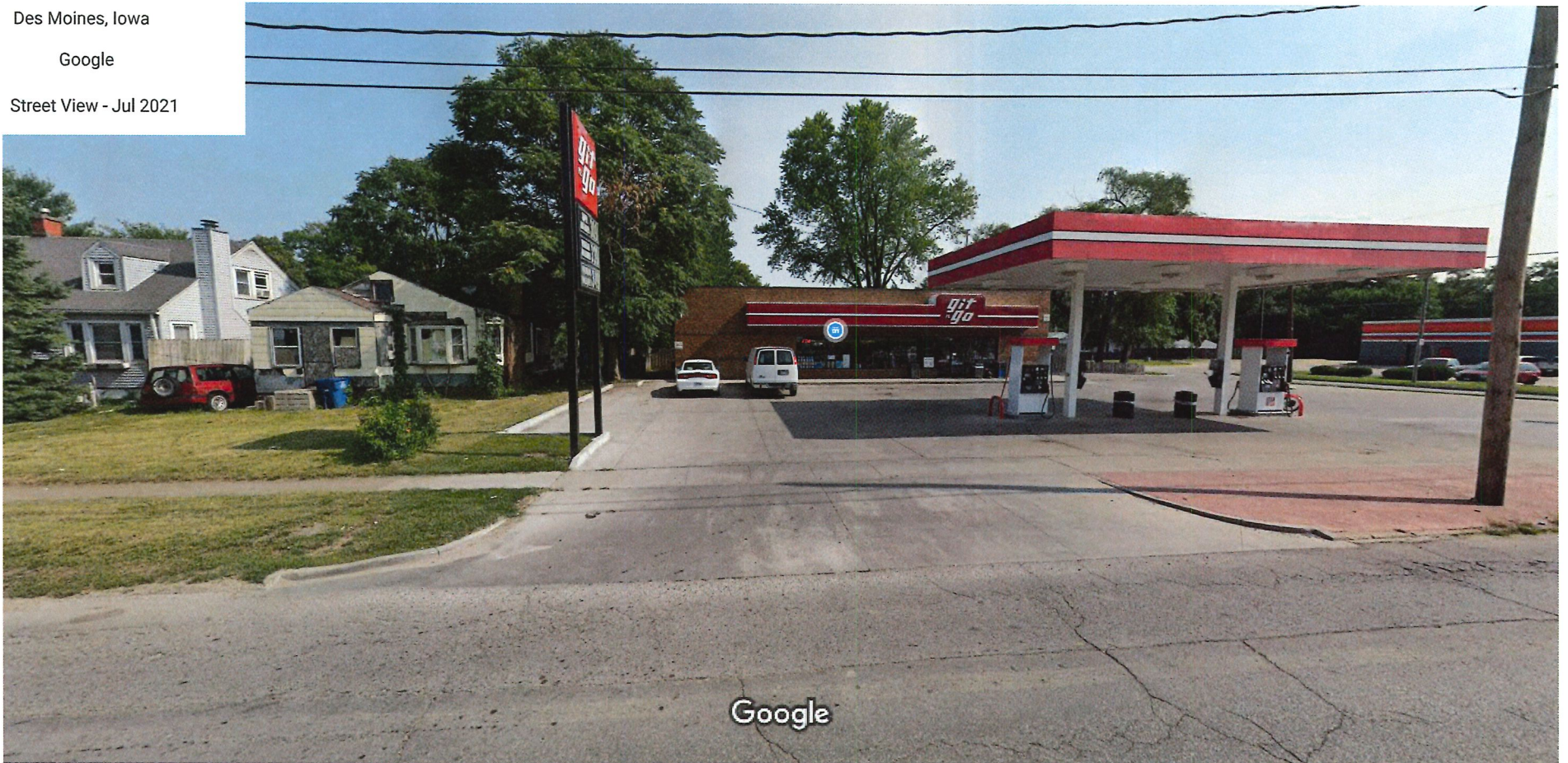
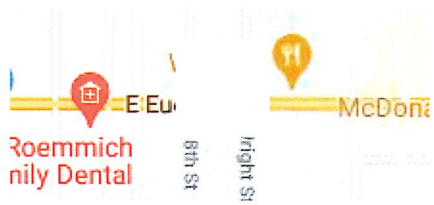


Image capture: Jul 2021 © 2022 Google

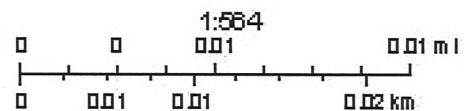


Real Estate Web Map



9/9/2022, 8:58:13 AM

- Parcels
- Lot Lines
- Parcel Line
- Road ROW
- Polk County
- Lot Line
- Road Centerline
- / Address Number



Auditor's Office, Polk County, Iowa, Sources: Esri, TomTom, U.S. Department of Commerce, U.S. Census Bureau, Esri Community Maps Contributors, City

Polk County web app

Polk County has compiled the information for government purposes only. Polk County makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability or suitability of the information for any particular use.

2716 Indianola Ave.
Des Moines, Ia. 50315
(515)288-8565

11-18-2022 43



Planning Staff,

As per required. The list provided by the the city of Des Moines were invited by mail, per invite attached to this email. The invites were mailed out 11-9-22. Myself, Thomas Morford, and Dennis Flora were in attendance. We had one resident, Jerome Reid, owner of 3610 Wright st. attend as well. In discussion with him, we were alerted of the need for the property at 810 Euclid becoming a homestead for multiple nocturnal animals. He was excited to here that structure would be soon removed from the neighborhood. Although Mr. Reid was the only invitee to attend the meeting, I myself have discussed with multiple Git-n-Go patrons @ store#10(816 Euclid), that expressed positive response to our proposal. I look forward to working with the all involved to get this nuisance/ dilapidated property cleaned up and moving one step closer to the refurbishment of this small part of our city. Thank your for your time & assitance with this matter. If you have any questions, please don't hesitate to contact me.

Sincerely: Thomas Morford

(641)751-3676

**Git-N-Go
CONVENIENCE
STORES, INC.**



2716 INDIANOLA AVENUE
DES MOINES, IOWA 50315-2399
(515) 288-8565
FAX (515) 288-0331

Location: 3712 2nd ave.
Date: 11/17/22
Time: 6:00 p.m.

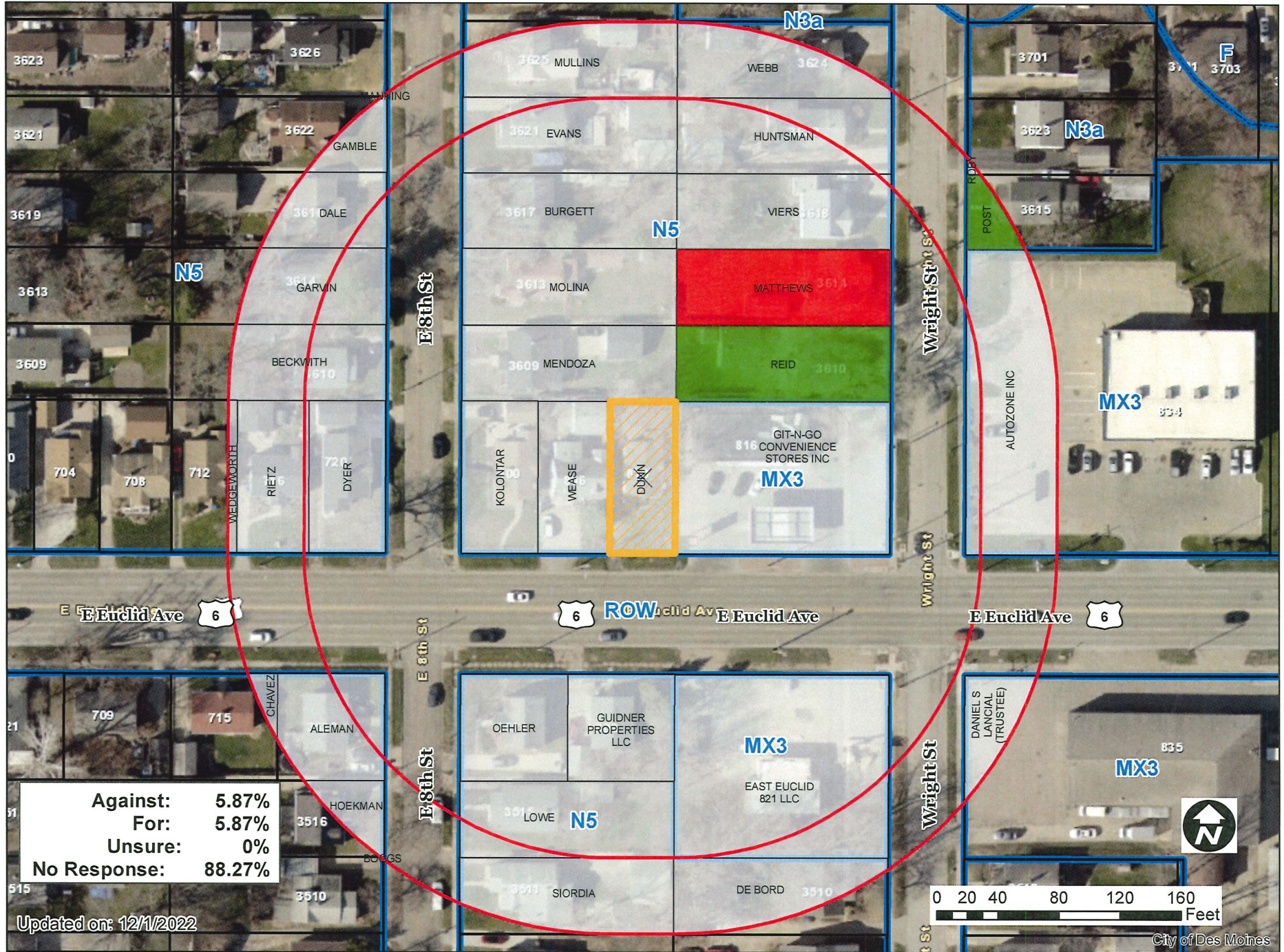
Dear persons,

You are invited to a our neighborhood meeting at the Highland Park American Legion 3712 2nd ave. on November17at 6:00 p.m.

We here at Git-N-Go Convenience stores intend to demolish the unsightly dwelling located at 810 E. Euclid. The lot to be incorporated with 816 E Euclid, as to become one parcel. We intend to add a few parking spots and beautify the neighborhood.

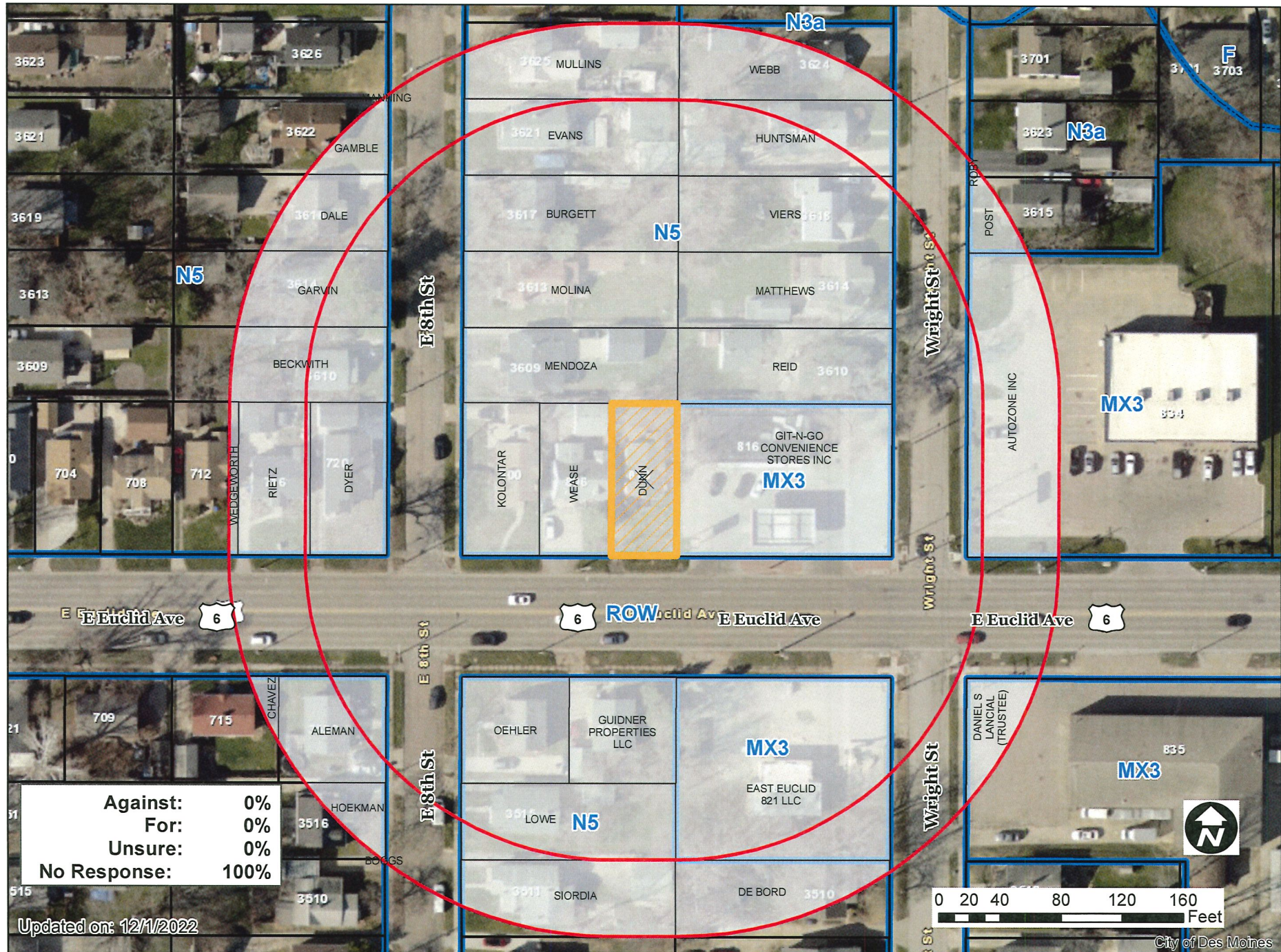
In order to combine the parcels, the city of Des Moines requires that 810 lot be rezoned. Part of this process involves a neighborhood meeting to have an open discussion. We have sent out notice to 37 respective parcel owners, inviting all to attend. There will be a brief opening statement by Git-n-Go to inform the attendees of our inteneded use, then any & all comments will be heard. There will be a transcript of the discussion documented as to be able to provide a summary to the P&Z board.





Against:	5.87%
For:	5.87%
Unsure:	0%
No Response:	88.27%

Updated on: 12/1/2022



Item: ZONG-2022-000088

Date: 11-26-2022 43

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Barbara Reid

Name: Barbara Reid

Address: 5615 Wright St.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

NOV 30 2022

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

Item: ZONG-2022-000088

Date: 11/28/2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Jerome R. Reid

Name: _____

Address: _____

Mr. Jerome R. Reid
3610 Wright St
Des Moines, IA 50316

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 01 2022

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

Item: ZONG-2022-000088

Date: 11/24/22

Please mark one of the following:

I am in favor of the request

I am not in favor of the request

Signature: [Handwritten Signature]

Name: Jay Mathews

Address: 3614 wright street

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 01 2022

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

This store needs an enclosed dumpster
corral. Garbage blows all over the
Neighborhood. I'm in favor if they
add dumpster corral. Thanks

Kary Dunn, 810 East Euclid Avenue

ZONG-2022-000088



1 inch = 83 feet