

.....
Date January 9, 2023

**RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM
NEIGHBORHOOD DEVELOPMENT CORP (OWNER) TO AMEND PLANDSM TO
REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE
PROPERTY LOCATED AT 2211 UNIVERSTIY 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 Neighborhood Development Corp (Owner), represented by Abbey Gilroy (officer), for the following regarding property located at 2211 University Avenue, to allow redevelopment of the site with a new three-story, mixed-use building:

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

Part B) Approval of the request to revise the future land use classification for the northernmost 60 feet of the property from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “RX2” Neighborhood Mixed Use District to “MX2” Mixed Use District.

WHEREAS, the Property is legally described as follows:

LOTS 363, LOT 364, AND 365 IN UNIVERSITY LAND COMPANY’S SECOND ADDITION TO UNIVERSITY PLACE, NOW INCLUDING IN AND FORMING A PART OF THE CITY OF DES MOINES, IA; and

WHEREAS, on December 12, 2022, by Roll Call No. 22-1883, 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

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



Roll Call Number

Agenda Item Number

44

Date January 9, 2023

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 northernmost 60 feet of the property from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "RX2" Neighborhood Mixed Use District to "MX2" Mixed Use District to allow the use of the property for redevelopment of the site with a new three-story, mixed-use building is hereby approved.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland

Assistant City Attorney

(COMP-2022-000000 & ZONG-2022-000097)

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

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 Neighborhood Development Corp (owner), represented by Abbey Gilroy (officer) to rezone property located at 2211 University Avenue from “RX2” Mixed Use District to “MX2” Mixed Use District, to allow redevelopment of the site with a new three-story, mixed-use building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			
Katie Gillette	X			

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

Part B) Approval of the request to revise the future land use classification for the northernmost 60 feet of the property from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “RX2” Neighborhood Mixed Use District to “MX2” Mixed Use District.

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 Low-Medium Density.

Part B) Staff recommends approval of the request to revise the future land use classification for the northernmost 60 feet of the property from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from "RX2" Neighborhood Mixed Use District to "MX2" Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to rezone the subject property in order to construct a new 3-story mixed-use building using the Storefront building typology. According to submitted conceptual drawings, the first floor of the proposed building would contain a retail and restaurant use. The second and third floors of the building would each contain 12 dwelling units, for a total of 24 dwelling units. The subject property is currently zoned "RX2" District, which would allow for the proposed uses. However, it restricts the building and site design to either the Commercial Cottage or General building typology. Therefore, the "MX2" rezoning has been requested since it would allow for a Storefront building typology, which would better accommodate the desired building and site layout.
- 2. Size of Site:** The site is approximately 29,034 square feet (0.667 acres).
- 3. Existing Zoning (site):** "RX2" Neighborhood Mix District.
- 4. Existing Land Use (site):** The site consists of convenience store building with fuel pumps and canopy surrounded by a paved parking lot.
- 5. Adjacent Land Use and Zoning:**
 - North** – "NX1"; Uses are low-medium density residential.
 - South** – "RX1", "NX2", "N5", and "N5-4"; Uses are low-medium density residential and commercial.
 - East** – "RX1", "NX1", and "P2"; Uses are commercial, low-medium density residential, and religious assembly.
 - West** – "NX1", "MX2", and University Square "PUD"; Uses are low-medium density residential and commercial.
- 6. General Neighborhood/Area Land Uses:** The subject property is located along the north side of University Avenue at the intersection of 22nd Street. The area along the corridor consists of a mix of low-to-medium density residential, commercial, retail, and restaurant uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake neighborhood. 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 Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

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:** The northernmost 60 feet of the subject property is designated as Low-Medium Density Residential. The balance is designated as Neighborhood Mixed Use. The subject property is within a Neighborhood Node centered at University Avenue and 22nd 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 northernmost 60 feet of the property be revised from "Low Density Residential" to "Neighborhood Mixed Use" within a "Neighborhood 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.

Neighborhood Mixed Use: 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.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The entire subject parcel is currently zoned “RX2” District. The Zoning Ordinance describes “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.”

The applicant is proposing to rezone the subject parcel to the “MX2” District. The Zoning Ordinance describes “MX2” district as, “intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.”

Staff believes that the proposed amendment and rezoning would be appropriate since it would allow the site to be redeveloped in accordance with the Storefront building typology. The proposed project, along with the mix of uses and intensities, would further enhance the Neighborhood Node by allowing for services and densities designed to support the neighborhood. Further, the Storefront building typology allowed within the “MX2” district would further activate the node consistent with previous development to the west providing for walkability and ease of community access.

- 2. Planning and Design Ordinance:** The Planning and Design Ordinance only allows for Commercial Cottage and General Building typologies within the “RX2” District. While the given nature of the Commercial Cottage typology lends itself to transitional areas between commercial and residential uses, the subject property is in the middle of the mixed-uses corridor. The General Building typology would detract from the nature of the corridor given the relaxed primary build-to-zones that would not have the desired effect on the corridor of having an active and integrated streetscape complimentary to the development within the node. The Storefront building typology allowed in the “MX2” District would add presence along the corridor with high level glass storefronts on the ground floor with active space and entrances to accommodate increased pedestrian activity.

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.

- 3. Staff Rationale:** Given the location of the property along University Avenue, Staff believes that the “MX2” Mixed Use District is appropriate, as it would allow for commercial and other small-scale retail that is complementary to the existing uses along this corridor. Also, given the design and character of existing development and

services, the proposed “MX2” District would allow for a design that is logical to the progression of this corridor and is in keeping with the character with the Neighborhood Node and Neighborhood Mixed Use land use designation. The Storefront building typology allowed in the “MX2” Mixed Use District would allow for construction close to the front lot line to create continuous building walls along public sidewalks, which is consistent with the goal to increase walkability within the area.

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:

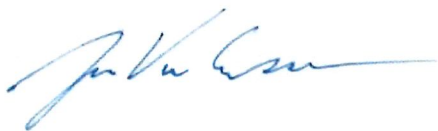
Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low-Medium Density.

Part B) Approval of the request to revise the future land use classification for the northernmost 60 feet of the property from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “RX2” Neighborhood Mixed Use District to “MX2” Mixed Use District.

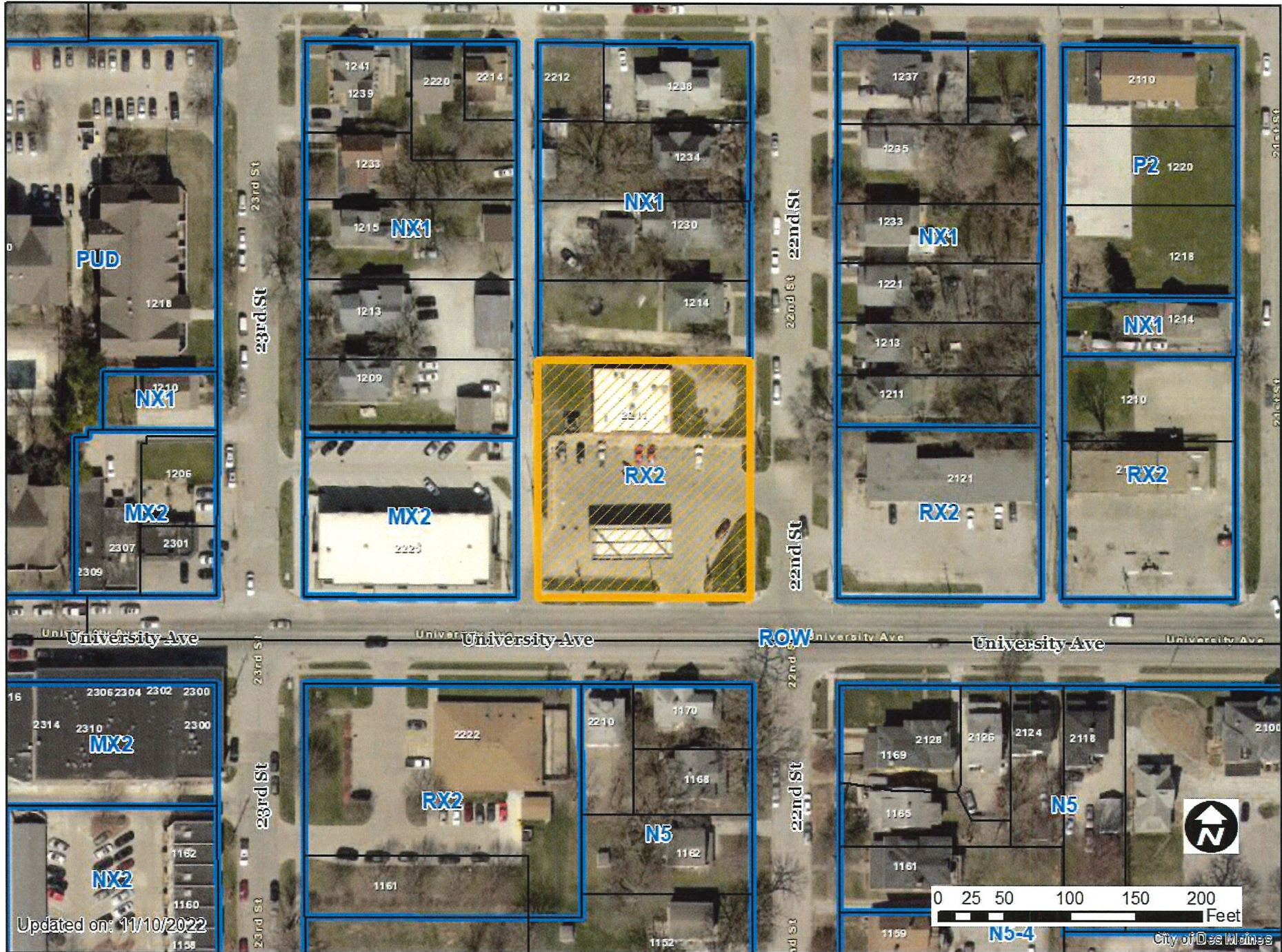
Motion passed: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

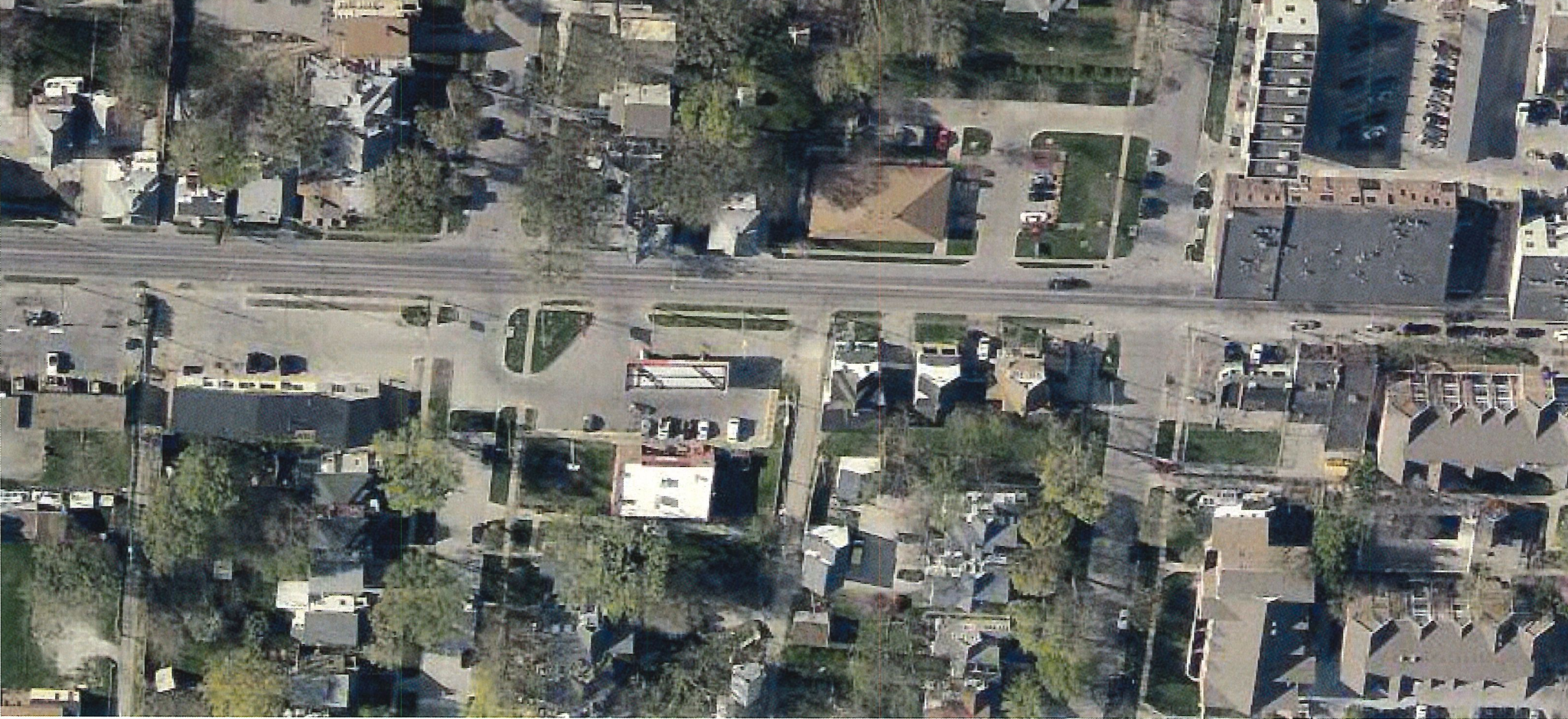


Updated on: 11/10/2022

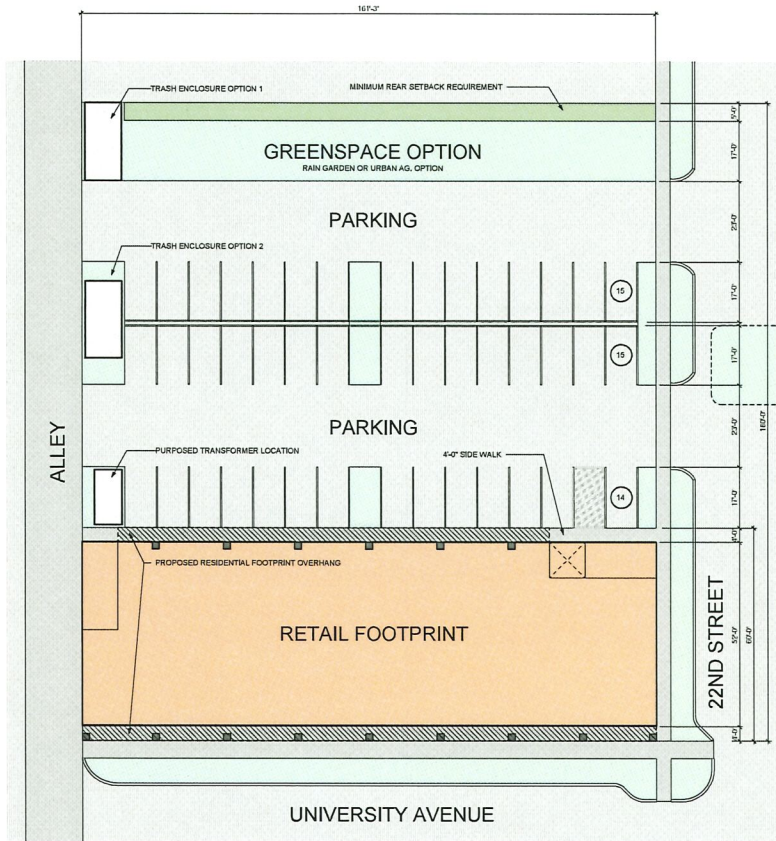
1 inch = 97 feet



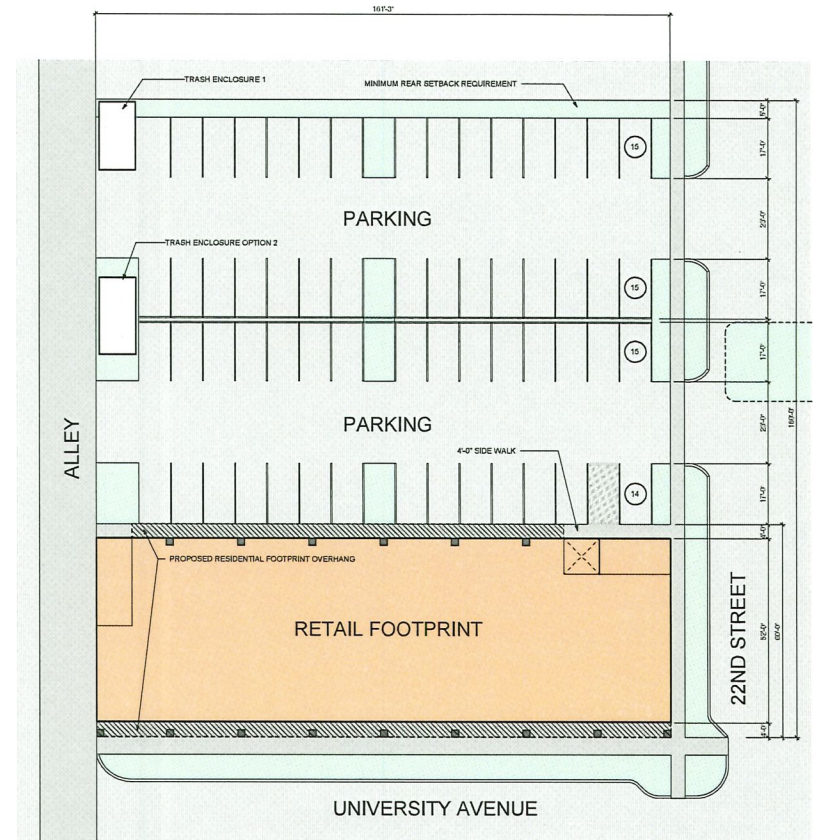




14



SITE OPTION A
1/16" = 1'-0"



SITE OPTION B
1/16" = 1'-0"



neighborhood
DEVELOPMENT
CORPORATION

NDCDM.ORG

MINUTES

Re: 2211 University Ave.

Enc: Attendance

November 17, 2022

6:30-7pm

Meeting Location:

Drake Park Enclosed Shelter
2300 Drake Park Ave

Re: 2211 University Ave.

Enc: Attendance

Introductions

Property & development description:

Discussed how we acquired the property through a long time relationship with Kum & Go. The project will be a 8,000-9,000 sf builder. Grocery on the lower level with two floors of apartments above. Parking in the rear.

Zoning is currently set at RX2 and want to re-zone to MX2. The difference in the two is that MX2 will allow the building to be set closer to the street and align with other properties to the West. This will also allow us to double load the parking lot in the rear to accommodate more parking onsite rather than the streets.

NDC and the design team will be at future neighborhood meetings in the coming months to show progress on elevations and plans and get feedback from the neighborhood.

Attendee Comments / Concerns:

- Median in question – it is undetermined if this will stay or go. The development would like to see it relocated or removed, but will work with police, fire and neighborhood to see what is best.
- Garbage – former Kum & Go produced a lot of trash in the neighborhood. Don't want to see this turn into another c-store.
- Noise – don't want a lot of noise with cars running early in the morning. Look at buffer with fence and trees in the site plan with the city.
- Green Space – hoping for some green space / landscaping and not all parking lot / concrete. Will work with the city requirements.
- Size of the building – question on the size, comparable to the UAV apartments to the West, but one story higher.
- Future Development to the East – we have relationships with businesses, but they are all currently happy. We will be in touch with the as their leases are up.

- Long Term Plan – NDC will own the top two floors (apartments) and the grocery store will own the lower level. In two years, when the apartments are stable, the grocery store will purchase the entire building from NDC.
- Timeline – start construction in the spring.
- Future Meetings – future meetings will be held during normal Drake Neighborhood meetings on the 2nd Wed/month at 6:30pm (open discussion at 7pm) at the Senior Center.

Sincerely,

Abbey Gilroy
Executive Director



Civil Engineering Consultants, Inc.

2400 86th Street, Unit 12 . Des Moines, Iowa 50322 . 515.276.4884 . mail@ceclac.com

SUBJECT

2211 University

DATE

11/17/22

Neighborhood mtg @ Drake Park

Topics :

trash ?

noise ?

island moving

who manages ?

green space ?

buffer ?

landscaping

Association

other meetings - Drake Neighborhood mtg.

Item: ZONG-2022-000097

Date: 11/24/22

44

Please mark one of the following

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

Signature: Daniel Bowser

Name: Daniel Bowser

Address: 1152 22nd St.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
NOV 30 2022

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

Item: ZONG-2022-000097

Date: 11/26/22

Please mark one of the following

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

Signature: Carrie Anderson

Name: Carrie Anderson

Address: 2128 University Ave
DSM

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
NOV 30 2022

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

From: [Lori Calhoun](#)
To: [Dunn-Young, Frank A.](#)
Subject: ZONG-2022-000097
Date: Thursday, December 1, 2022 11:20:12 AM

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.

To Mr. Frank Dunn-Young -

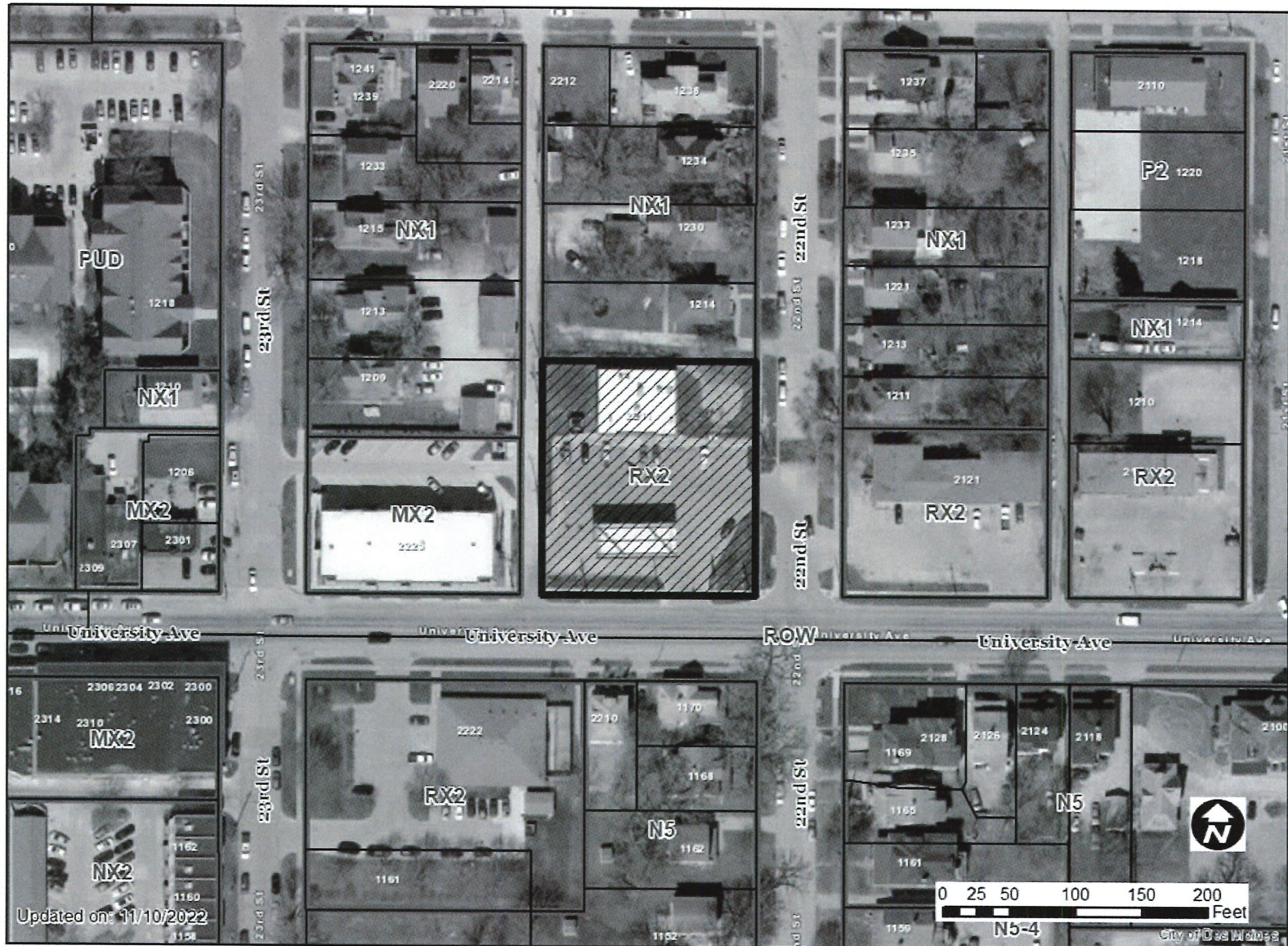
I am in writing to you in regards to the request from the Neighborhood Development Corp to rezone property located at 2011 University Ave from RX2 Mixed Use District to MX2 Mixed Use District, to allow a new three-story mixed-use building. I did complete a reply card sent to my residence, but not always sure they get through the mail timely. I am unable to attend tonight's meeting due to a conflict, so I wanted to be sure I passed along my response.

I currently serve as the President of the Drake Neighborhood Association. Abbey Gilroy, Officer of the Neighborhood Development Corp, presented the project to a neighborhood association meeting in October and then had a special meeting in November to address the rezoning need. I attended both meetings. Impacted neighbors primarily attended the rezoning special meeting. There were questions regarding the 22nd street median, concern on garbage, noise and green space. Many of the concerns were already being addressed in the plans to date. The 22nd median is still being researched and they are trying to find a good middle ground solution. Abbey reminded the group there will be still be lots of opportunity to discuss some of these specifics with the neighborhood as plans continue to develop. The group seemed amenable to the discussion and I didn't sense any concerns in proceeding with the Rezoning Request. On behalf of the Drake Neighborhood Association, we are in favor of the rezoning. This will bring workforce housing as well as allow expansion of a local minority owned business.

Please let me know if you have any question or need anything additional from me!

Thank you for your time and consideration.

Lori Calhoun



1 inch = 97 feet