

.....  
**Date** March 27, 2023.....

**RESOLUTION SETTING HEARING ON REQUEST FROM TB BUILDING, LLC (OWNER), REPRESENTED BY STEPHEN RONEY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1202 THOMAS BECK ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023, its members voted 12-2 in support of a motion finding the requested rezoning for Property located at 1202 Thomas Beck Road is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2023 its members voted 12-2 in support of a motion to recommend **APPROVAL** of a request from TB Building, LLC (Owner), represented by Stephen Roney (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 1202 Thomas Beck Road from Low Density Residential to Business Park; to rezone the Property from “NX1” Neighborhood District to “EX” Industrial District to allow multiple uses, including a religious assembly, fabrication and production, and office and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

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

BEGINNING AT A POINT WHICH IS AT THE INTERSECTION OF THE SOUTH LINE OF THOMAS BECK ROAD AND A LINE WHICH IS 20 FEET EAST OF THE WEST LINE OF SAID LOT 14; THENCE S 00°19'01" E, A DISTANCE OF 468.71 FEET ALONG A LINE 20 FEET EAST OF THE WEST LINE OF SAID LOT 14; THENCE N 89°39'07" E, A DISTANCE OF 50 FEET ALONG THE NORTH LINE OF VACATED GRAY STREET; THENCE N 00°19'01" W, A DISTANCE OF 172.00 FEET; THENCE N 89°38'07" E, A DISTANCE OF 395.62 FEET; THENCE S 00°19'01" E, A DISTANCE OF 172.00 FEET TO A POINT ON THE NORTH LINE OF VACATED GRAY STREET; THENCE N 89°38'07" E, A DISTANCE OF 100.00 FEET ALONG THE NORTH LINE OF VACATED GRAY STREET; THENCE N 00°19'01" W, A DISTANCE OF 45.00 FEET ALONG THE WEST LINE OF VACATED S. W. 12TH STREET; THENCE N 89°38'07" E, A DISTANCE OF 373.04 FEET ALONG THE NORTH LINE OF BUTLER'S SECOND ADDITION TO DES MOINES TO A POINT ON THE NORTHWEST LINE OF JOE P. DAVIS ROAD; THENCE N 45°43'15" E, A DISTANCE OF 158.67 FEET ALONG THE NORTHWEST LINE OF JOEL P. DAVIS ROAD; THENCE N 49°08'56" W, A DISTANCE OF 892.51 FEET TO A POINT ON THE SOUTH LINE OF THOMAS BECK ROAD; THENCE ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH, A DISTANCE OF 229.92 FEET TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 06°53'51.5", A CHORD BEARING OF S 50°42'38.4" W AND



**Roll Call Number**

**Agenda Item Number**

28

**Date** March 27, 2023

A CHORD LENGTH OF 229.80 FEET; THENCE S 54°09'34.1" W, A DISTANCE OF 224.04 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART OF LOT 12 CONVEYED TO THE CITY OF DES MOINES BY WARRANTY DEED RECORDED IN BOOK 16872, PAGE 272.

**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 plan future land use designation is 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 April 10, 2023 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/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000006) (COMP-2023-000006)

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

Date 3/27/23

Agenda Item 28

Roll Call # \_\_\_\_\_

March 21, 2023

Communication from the City Plan and Zoning Commission advising that at their March 2, 2023 meeting, the following action was taken regarding a request from TB Building, LLC (owner), represented by Stephen Roney (officer) to rezone property located at 1202 Thomas Beck Road from “NX1” Neighborhood District to “EX” Industrial District, to allow multiple additional uses including a church, a fabrication and production business and office spaces.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-2 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Dan Drendel	X				
Leah Rudolphi	X				
Carol Maher	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 Community Mixed Use.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park.

Part C) Approval of the requested rezoning from “NX1” Neighborhood Mix District to “EX” 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 Community Mixed Use.

Part B) Staff recommends denial of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park.

Part C) Staff recommends denial of the requested rezoning from “NX1” Neighborhood Mix District to “EX” Mixed-Use District.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning is being requested to allow multiple new uses within the existing building including religious assembly, a cabinetmaker, and offices. The e-commerce warehousing and distribution business has legal non-conforming rights at this location so long as it does not expand.
- 2. Size of Site:** 9.680 acres (421,663 square feet).
- 3. Existing Zoning (site):** “NX1” Neighborhood Mix District.
- 4. Existing Land Use (site):** The subject property is an irregularly shaped parcel on the south side of Thomas Beck Road. It contains an office and warehousing pre-cast concrete panel building with loading docks located on the rear (southeast) facade of the building. The site is accessed via two separate drive accesses from Thomas Beck Road. The undeveloped portion of the property to the southeast of the structure abuts a steep bluff face that is densely wooded.
- 5. Adjacent Land Use and Zoning:**
  - North** – “DX2”; Use is a multiple-tenant commercial building, including retail, restaurant and bar, office, and warehousing uses.
  - South** – “N3b”; Uses are low density residential.
  - East** – “NX1”; Use is a warehousing use.
  - West** – “NX1”; Use is undeveloped.
- 6. General Neighborhood/Area Land Uses:** The subject property is located on the south side of Thomas Beck Road between Southwest 9<sup>th</sup> Street and Druid Hill Drive.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Grays Lake Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on February 10, 2023 and of the Final Agenda on February 24, 2023.

Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2023 (20 days prior to the public hearing) and February 20, 2023 (10 days prior to the public hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All 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 Grays Lake Neighborhood Association notices were sent to Heidi Odgen, PO Box 36162, Des Moines, IA 50315.

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

8. **Relevant Zoning History:** On December 28, 2022, the applicant was sent a second Notice of Violation by the Development Zoning Division, stating prohibited uses were identified including Assembly, place of worship; Equipment and Material Storage Outdoor; Fabrication and production, Limited; and Industrial Service, Intensive.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low 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 subject property be revised from “Low Density Residential” to “Business Park”. PlanDSM describes this designation as follows:

*Low Density Residential: Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.*

*Business Park: Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.*

The subject property is currently zoned “NX1” Neighborhood Mix District. The Zoning Ordinance describes “NX1” district as, “intended for a mix of single and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.”

The applicant is proposing to rezone the subject parcel to the “EX” Mixed-Use District. The Zoning Ordinance describes “EX” district as, “intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher

levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices.”

The South of Grays Lake Master Plan was adopted as an element of the PlanDSM: Creating Our Tomorrow comprehensive plan by the City Council on March 7, 2022. The subject property is identified by the South of Grays Lake Master Plan as an area appropriate for redevelopment with townhomes and mixed-use projects. The requested rezoning does not reflect the evolving character of the area, as a periphery region to the city’s downtown and would not be appropriate for the subject property.

2. **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 for review before the property can be occupied by the proposed use.
3. **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

Katherine Drahos presented staff report and recommendation.

Jason Van Essen stated the zoning was changed to direct us towards implementing the South of Gray’s Lake Master Plan. It’s important for the commission to understand the planning effort and zoning around this area being the basis for staff recommendation.

Chris Draper asked if the zoning was influenced by the houses in proximity to the subject property.

Jason Van Essen stated the NX zoning district is intended to act as a transition between the single-family houses to the south and the mixed-use zoning to the north.

Chris Draper asked if the South of Gray’s Lake Master Plan has been approved.

Jason Van Essen stated yes, it was adopted as an element of PlanDSM.

Dan Drendel asked if the property is being sold or pending sell for the intended mix of uses.

Katherine Drahos stated the applicant has purchased the building and is looking to expand the allowed uses.

Jason Van Essen stated the building currently has nonconforming rights for certain types of uses.

Steven Roney, TB Buildings, LLC, 1202 Thoms Beck Road stated he purchased the building in July of 2022 and does have current leases within the building. He would like to find a way to move forward, so he can afford the expenses associated with such a large building.

Dan Drendel asked if there is still residual space within the building.

Steven Roney stated there is still 7,000 square feet of vacant office space.

Dan Drendel asked if he knew what types of uses would be considered conforming and nonconforming.

Steven Roney stated previously there was office space, manufacturing and distribution.

Emily Webb asked if a use variance would be more appropriate.

Jason Van Essen stated a case for hardship could be made due to an existing building with industrial nature. He would feel more comfortable with a use variance than a rezoning, as it would be tied to the specific model and life expectancy of the building.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Tre Wilson, 1235 Davis Avenue stated he is in favor of continued industrial uses, so the businesses can remain profitable and allow them to maintain the building. This would generate a stronger tax base, as industrial zoned buildings pay more taxes. This is a neighborhood friendly business and would be an asset to the city. He believes we need more centralized industrial buildings if we want to work towards a more sustainable future.

Michael Kramer, 2240 SW 11<sup>th</sup> Street stated Steven is a great tenant and would like to see more localized businesses within the neighborhood that create job opportunities.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Andrew Lorentzen stated he would be inclined to approve the rezoning given the life expectancy of a precast building if maintained and the adaptive reuse of the building.

Dan Drendel stated if the building was ever demolished for residential, that developer wouldn't have a problem rezoning this property given the surrounding mix use neighborhood. He believes the South of Gray's Lake Master Plan wouldn't be hindered by supporting this rezoning.

**COMMISSION ACTION:**

Andrew Lorentzen made a motion for:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Community Mixed Use.

Part B) Approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park.

Part C) Approval of the requested rezoning from "NX1" Neighborhood Mix District to "EX" Mixed-Use District.

Motion passed: 12-2

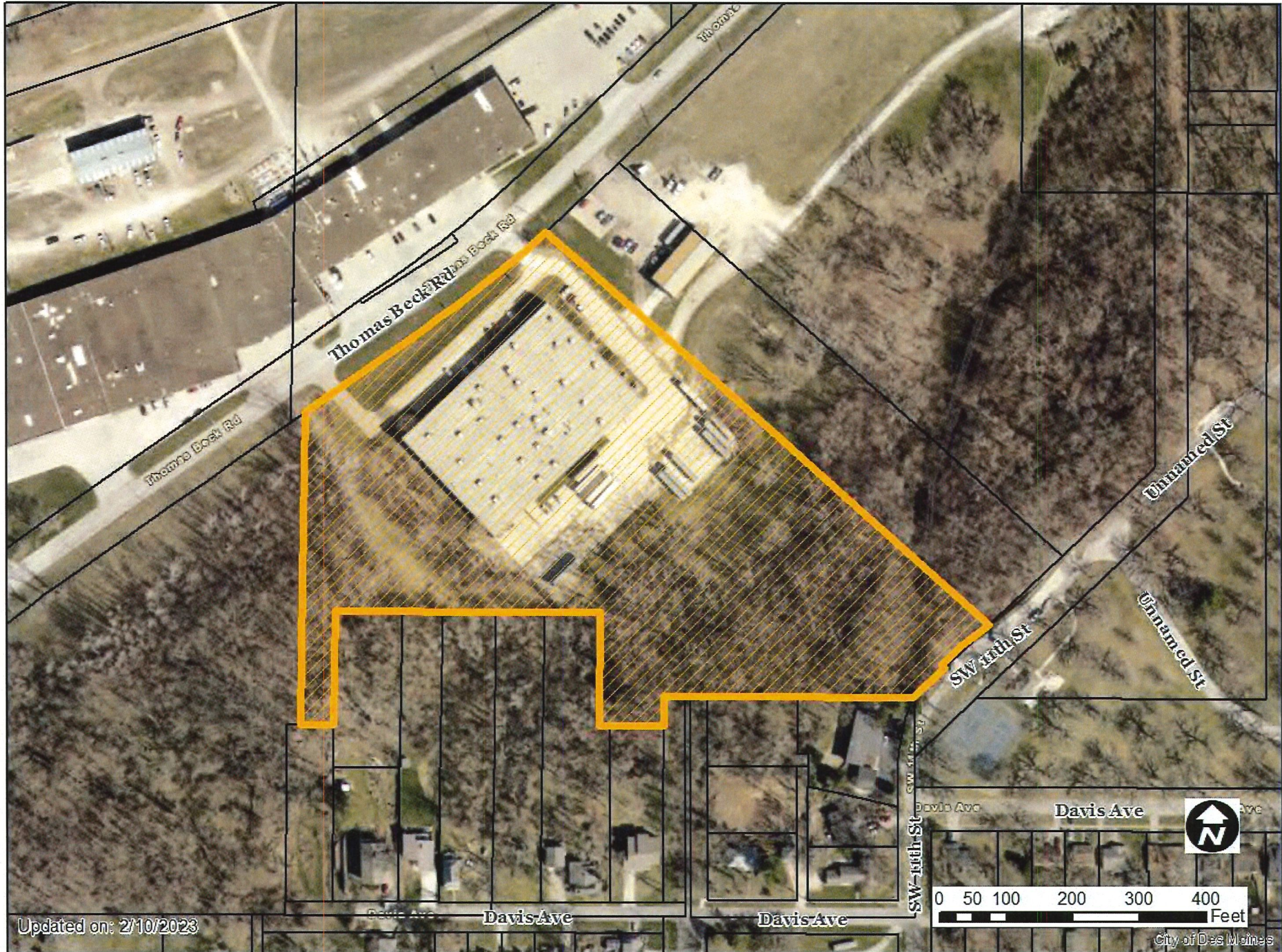
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP  
Planning & Urban Design Administrator

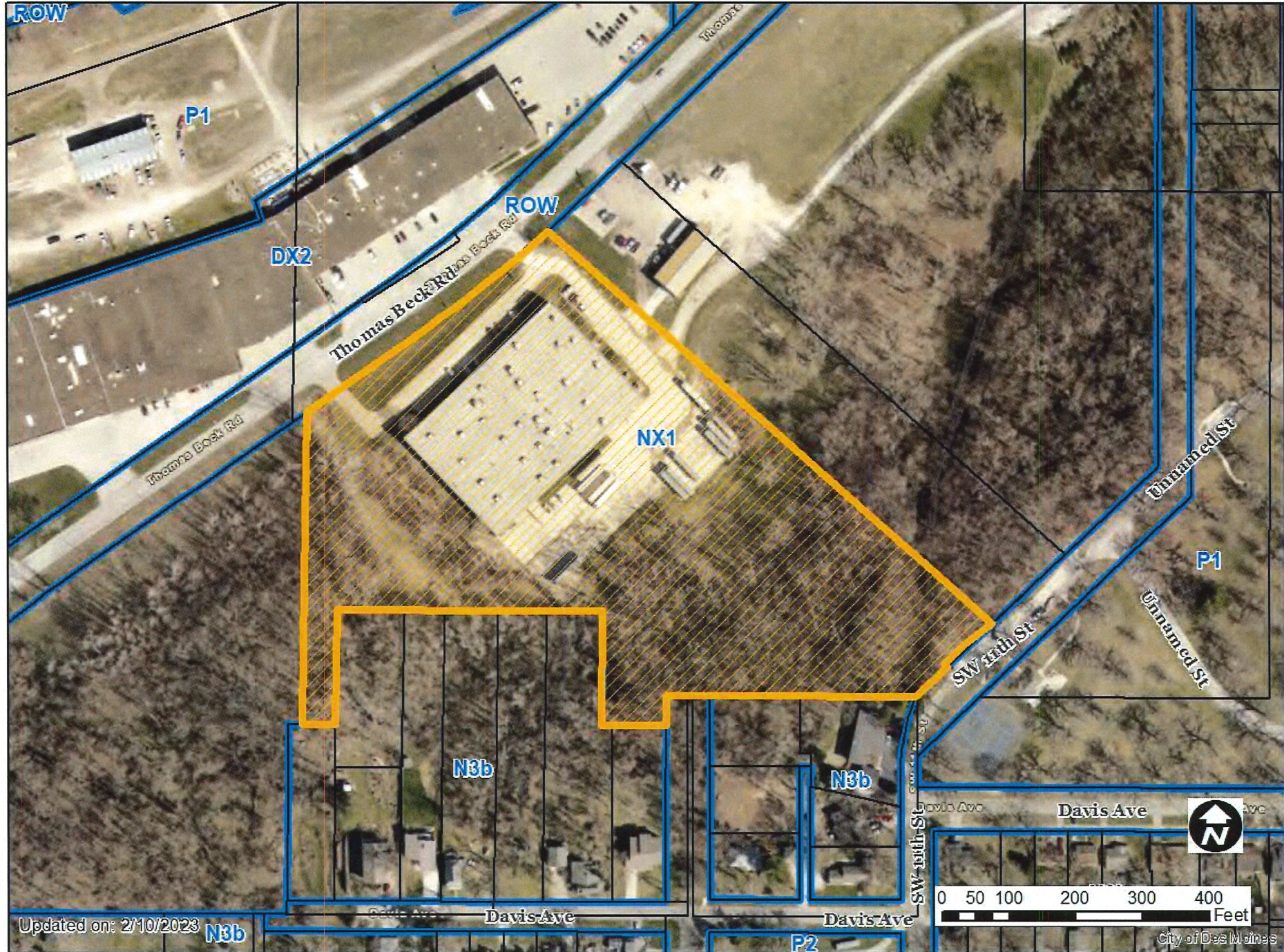
JMV:tjh





Updated on: 2/10/2023

1 inch = 191 feet



Updated on: 2/10/2023

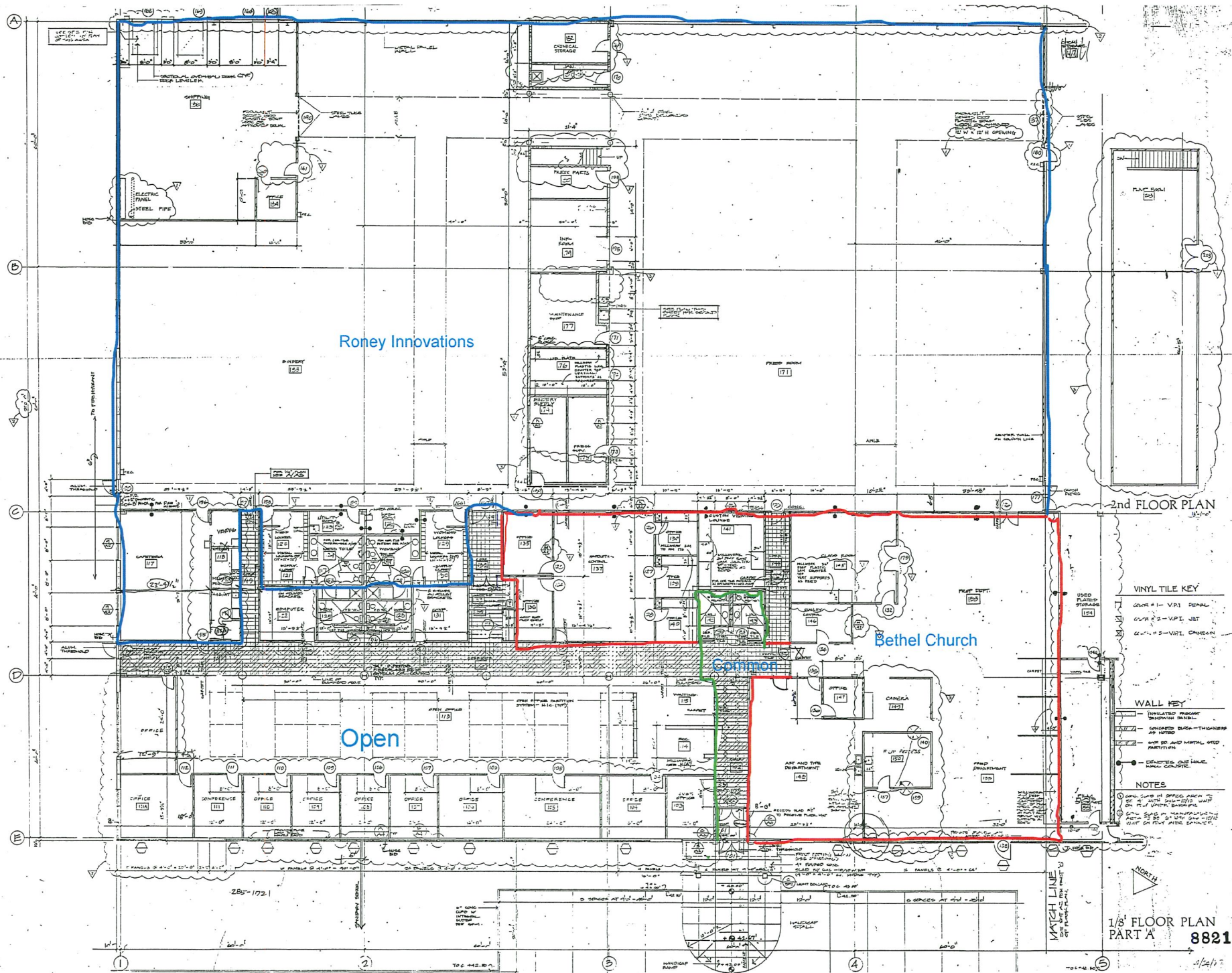
N3b

1 inch = 191 feet









2nd FLOOR PLAN

VINYL TILE KEY

- COLOR 1 - VINYL CERAMIC
- COLOR 2 - VINYL LIT
- COLOR 3 - VINYL CARPET

WALL KEY

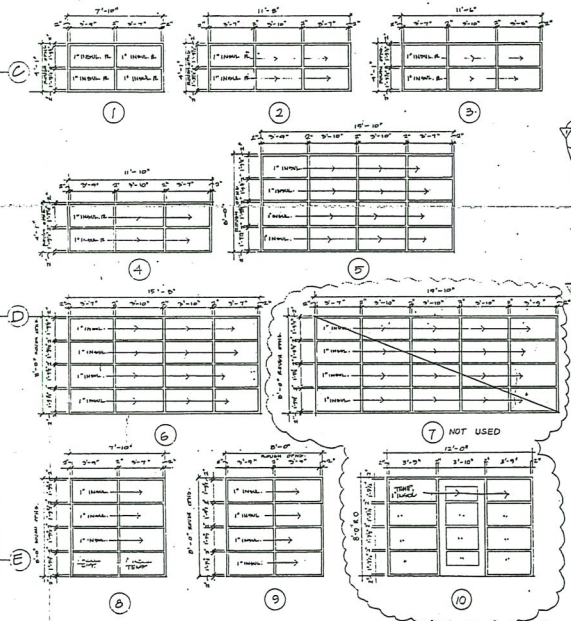
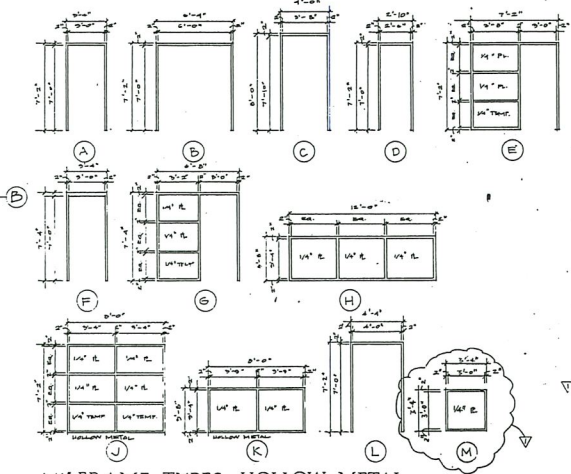
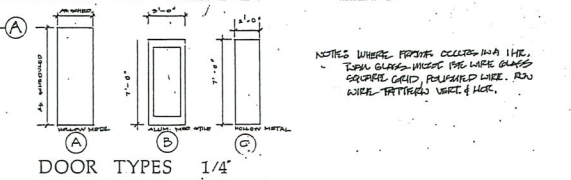
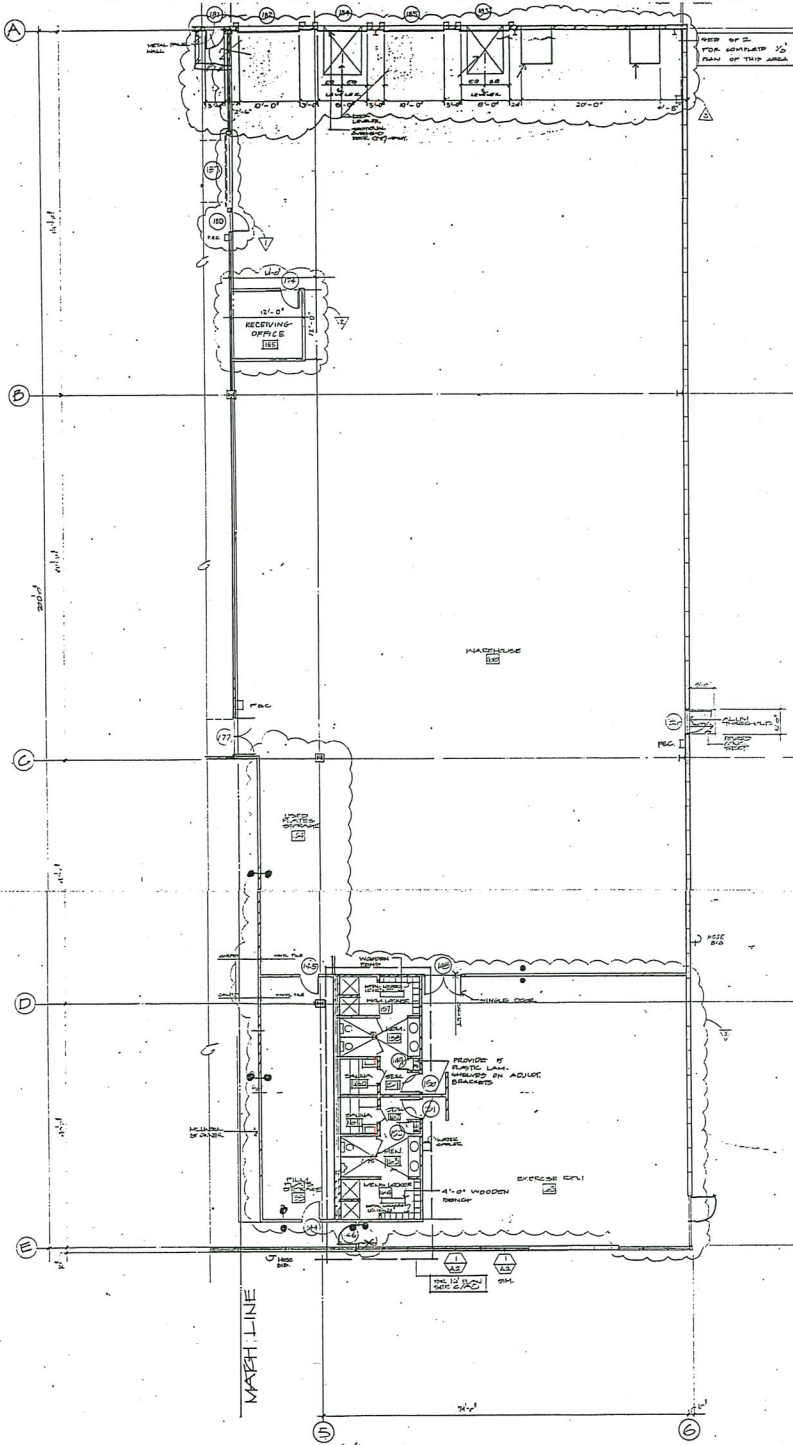
- INDICATED FINISH
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NOTES

- CON. CURB IN OFFICE AREA TO BE AS NOTED WITH 12" W/ 4" W/ 12" BARS PER PLAN.
- SEE PLAN FOR REVISIONS TO THIS PLAN.
- SEE PLAN FOR REVISIONS TO THIS PLAN.
- SEE PLAN FOR REVISIONS TO THIS PLAN.

1/8 FLOOR PLAN PART A 8821

4/24/12



NOTES: WHERE FEET ARE CALLED OUT IN THE DRAWING, THE GLASS MUST BE THE SAME GLASS SQUARE GRID, POLISHED EDGE, AND WIRE PATTERNS VERT & HOR.

NO.	SYMBOL	DOOR				FRAME				REMARKS	UNIT
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# final master plan

## South of Gray's Lake Master Plan

The more detailed master plan created for the South of Gray's Lake area shown in Figure 4.1 is focused on the main portion of the study area. It is anticipated most of the proposed streets and drives will be private. Any new public streets must be designed to City standards.

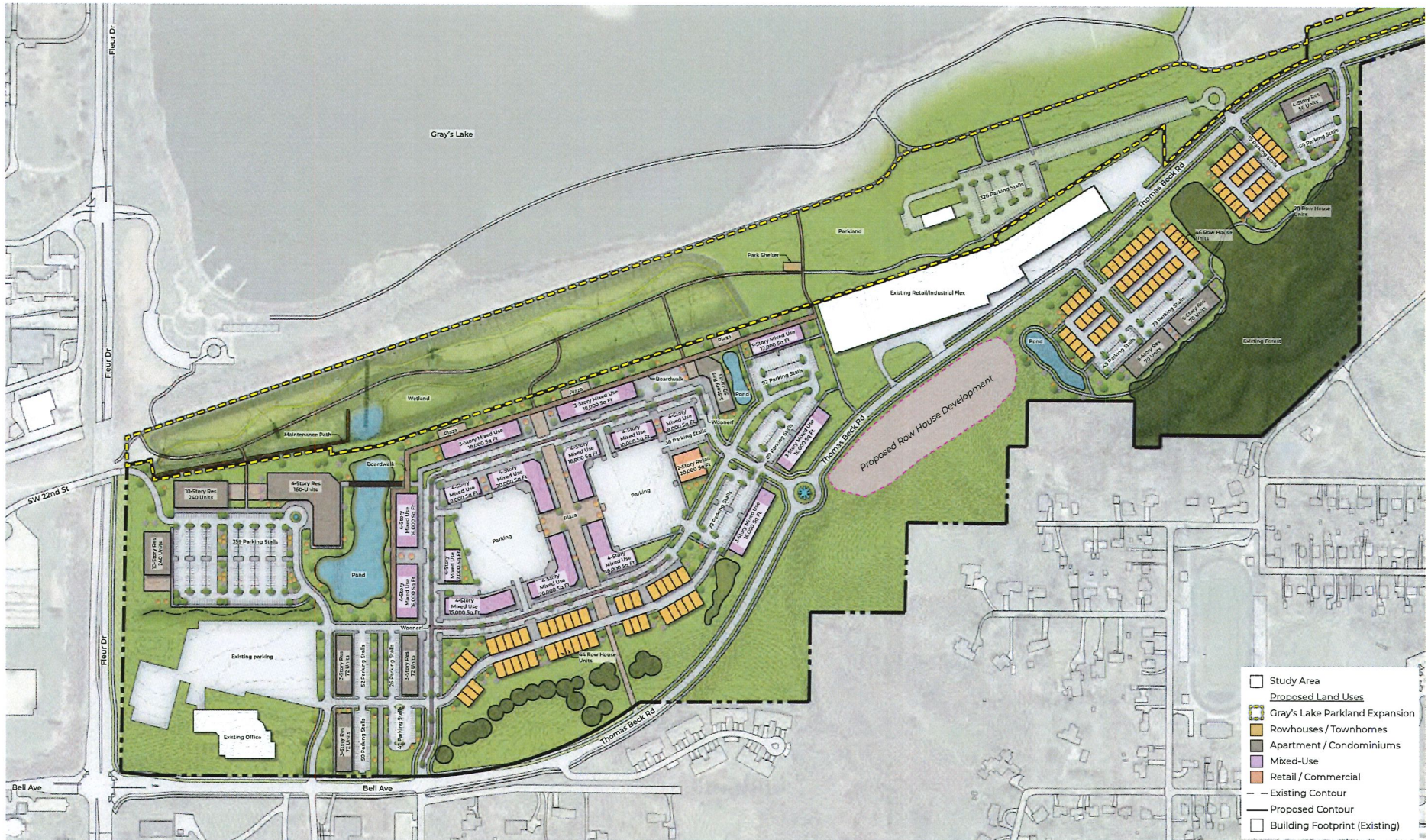


Figure 4.1 Final South of Gray's Lake Master Plan



**Dostart, Katherine E.**

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**From:** Stephen Roney <stephen.roney@gmail.com>  
**Sent:** Friday, February 24, 2023 4:00 PM  
**To:** Neighborhood Meeting  
**Subject:** Neighborhood meeting followup 1202 Thomas Beck Rd

**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.

Hi City of Des Moines,

1. Efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held;

All members of the list sent by the city were mailed invites to meeting held on 2/23 at 3pm at the location of 1202 Thomas Beck Road

2. Who was involved in the discussions; Stephen Roney (property owner), and 2 property owners Trelen Wilson & Linda Bender and Alex Benskin)

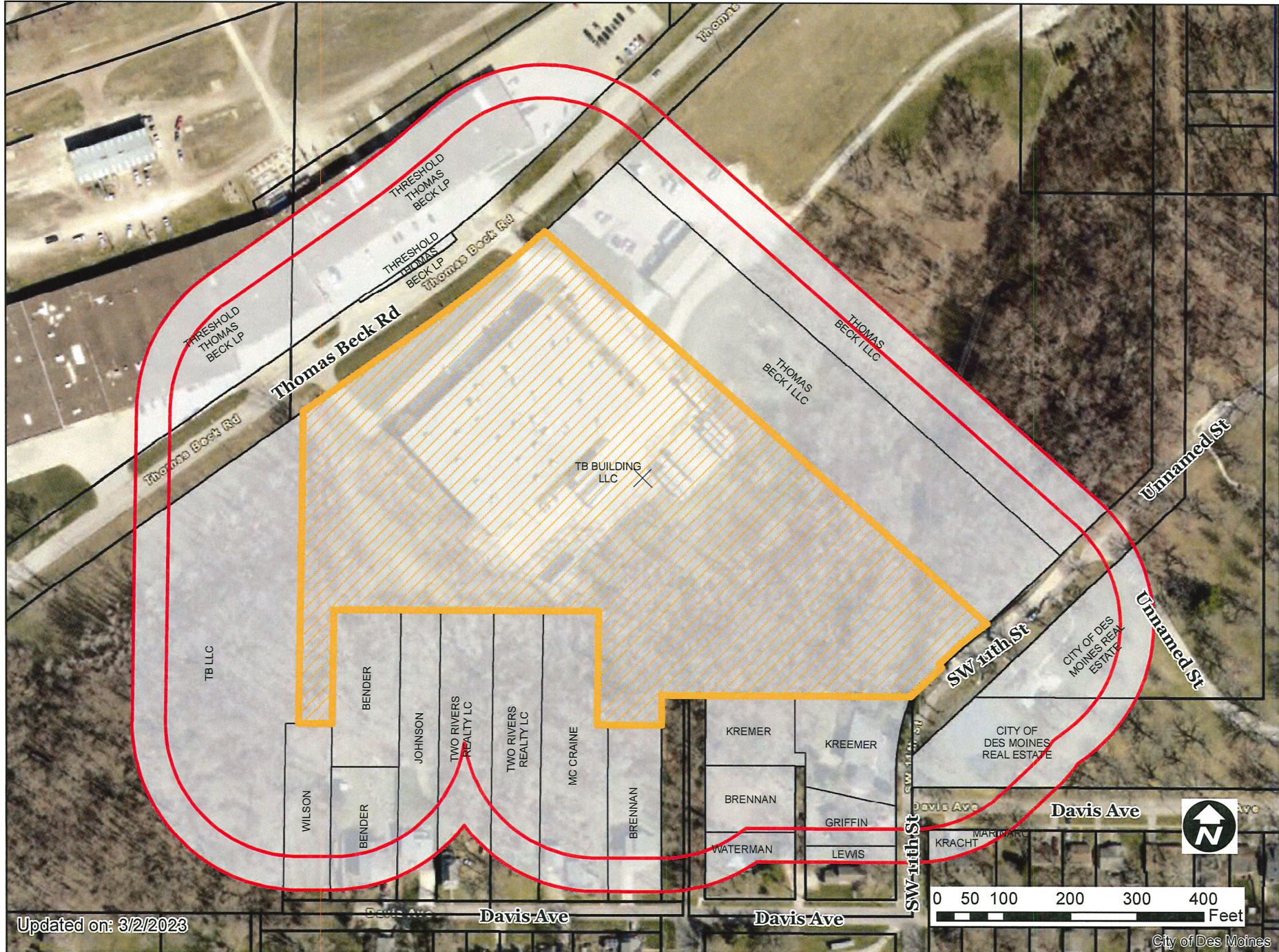
3. Suggestions and concerns raised by neighbors;  
No concerns, they just mentioned how they appreciated it being quiet.

4. What specific changes, if any, were considered or made as a result of the neighbor meetings.  
Putting additional trees out front

Please let me know if you have any questions.

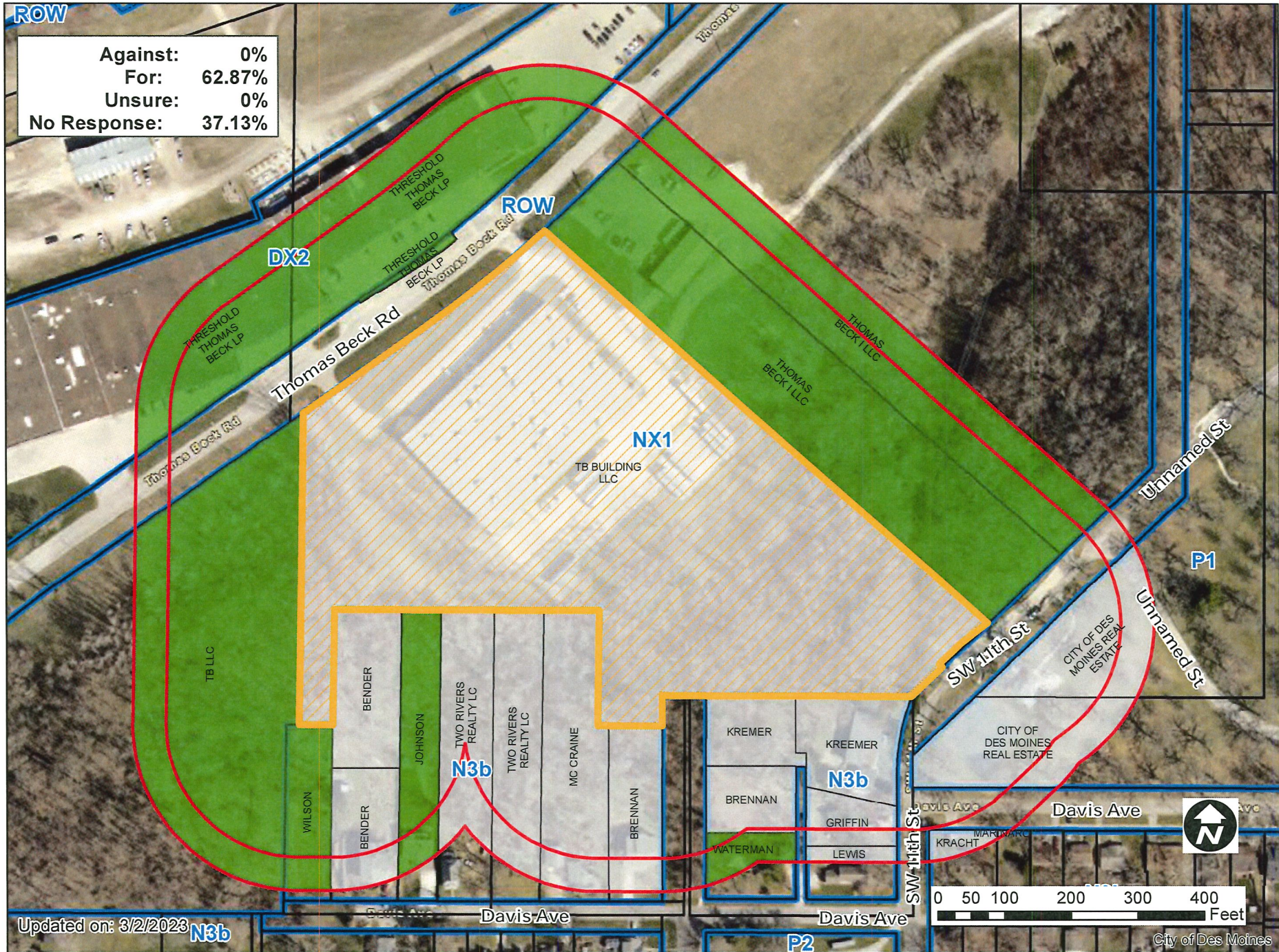
Thanks,

Stephen Roney



Updated on: 3/2/2023

1 inch = 191 feet



1 inch = 191 feet

Item: ZONG-2023-000006

Date: 2-25-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 FEB 28 2023

Titleholder Signature: Laurel Bender

? Name/Business: TB BUSINESS AT 1202 THOMAS BECK

? Impacted Address: 1235 DAVIS - RD

Comments: PROPERTY ~~ADVISORS~~ <sup>AGENTS</sup> ~~WANTS~~

THIS POSTCARD IS VERY CONFUSING. LOOKS LIKE THE PERSON REQUESTING THE CHANGE IS SUPPOSED TO SIGN THIS.

Item: ZONG-2023-000006

Date: FEBRUARY 24<sup>TH</sup> 2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 FEB 28 2023

Titleholder Signature: Thomas Beck

Name/Business: THOMAS BECK LLC

Impacted Address: 1000, 1150 + 1200 THOMAS BECK ROAD

Comments: I BELIEVE THAT "EX" ZONING IS LIKELY TO BE BETTER SUITED FOR THESE PROPERTIES SOUTH OF THOMAS BECK ROAD. "MX1" TYPE DEVELOPMENT MAY NOT BE FEASIBLE GIVEN CURRENT + EXPECTED FUTURE CONDITIONS OF THE ECONOMY / MARKET CONDITIONS.

Item: ZONG-2023-000006 Date: 2/27/23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAR 01 2023

Titleholder Signature: Jeff Waterman

Name/Business: Jeff Waterman

Impacted Address: 1139 DAVIS AVE, DES MOINES IA, 50315

Comments: We do not have enough APARTMENTS in Des Moines!

Item: ZONG-2023-000006

Date: \_\_\_\_\_

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
MAR 02 2023

Titleholder Signature: Trelen Wilson

Name/Business: Trelen Wilson

Impacted Address: 1235 Davis Ave.

The trend of the future is more walking, more biking and less car. Small clusters of offices and workshops in proximity to stores, restaurants, and entertainment venues are conducive to walking and biking as opposed to large industrial/commercial complexes many miles away from where people live. A bike trail is near the TB Building. Confluence Brewing is across the street. Soon townhomes will be a block away. The area is surrounded by nature. What a perfect opportunity for creating a village-like community within our city!

Item: ZONG-2023-000006

Date: 1-27-23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
<b>RECEIVED</b>
COMMUNITY DEVELOPMENT
MAR 02 2023

Titleholder Signature: \_\_\_\_\_

*Jess Johnson*

Name/Business: \_\_\_\_\_

*Jess Johnson*

Impacted Address: \_\_\_\_\_

*1232 Davis Ave.*

Comments: \_\_\_\_\_

\_\_\_\_\_  
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