



Date August 7, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORP (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 3103 FOREST AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corp (Owner), represented by Abbey Gilroy (Officer), for the proposed rezoning from “MX1” Mixed Use District to “RX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Neighborhood Mixed Use within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corp (Owner), represented by Abbey Gilroy (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 6, 2023 its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corp (Owner), represented by Abbey Gilroy (Officer), to rezone the Property from “MX1” Mixed Use District to “RX1” Mixed Use District to allow for development of the property for two (2) multiple-household apartment buildings; and

WHEREAS, the Property is legally described as follows:

THE EAST ONE-HALF (E ½) OF LOT TWELVE (12) AND THE EAST ONE-HALF (E ½) OF THE SOUTH ONE-HALF (S ½) OF LOT ELEVEN (11) IN BLOCK SEVEN (7) IN MERRITT AND FISHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE WEST HALF (W ½) OF LOT TWELVE (12) AND THE WEST HALF (W ½) OF THE SOUTH ONE-HALF (S ½) OF LOT ELEVEN (11) IN BLOCK SEVEN (7) IN MERRITT AND FISHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND



Roll Call Number

Agenda Item Number

51

Date August 7, 2023

LOT 10 AND THE NORTH HALF OF LOT 11 IN BLOCK 7 IN MERRITT AND FISCHER'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.; and

WHEREAS, on July 17, 2023, by Roll Call No. 23-0995, 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 August 7, 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 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 Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "MX1" Mixed Use District to "RX1" Mixed Use District to allow for development of the property for two (2) multiple-household apartment buildings, 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/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000031) (COMP-2023-000019)

 **Roll Call Number**

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Agenda Item Number

51

Date August 7, 2023

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 August 7, 2023

Agenda Item 51

Roll Call # _____

July 11, 2023

Communication from the City Plan and Zoning Commission advising that at their July 6, 2023 meeting, the following action was taken regarding a request from Neighborhood Development Corp (owner), represented by Abbey Gilroy (officer) to rezone property located in the vicinity of 3103 Forest Avenue from “MX1” Mixed Use District to “RX1” Mixed Use District, to allow the development of the property for two (2) multiple-household apartment buildings.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					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				
Rick Trower	X				

APPROVAL of Part A) The requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from “MX1” Mixed-Use District to “RX1” Mixed-Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “MX1” Mixed-Use District to “RX1” Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant owns three (3) parcels to the northwest of the intersection of Forest Avenue and 31st Street and is proposing a new multifamily residential project. A portion of the site is being reserved for a single-family home development. This area is currently excluded from the rezoning proposal and will continue to exist as “MX1” District. The remaining area within the three parcels is proposed to be rezoned to “RX1” District, which would allow development of the site with new multi-family housing utilizing the “Flat” building type. The conceptual plan for the project indicates seventeen (17) dwelling units located within two separate 2-story buildings.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 0.46 acres (19,865 square feet).
3. **Existing Zoning (site):** “MX1” Mixed Use District.
4. **Existing Land Use (site):** The site contains an existing apartment building in the northern parcel and vacant land in the two southern parcels.
5. **Adjacent Land Use and Zoning:**
 - North** – “MX1”; Uses are parking lot for an apartment building.
 - South** – “MX1” and “RX1”; Uses are a restaurant and a surface parking lot for Drake University.
 - East** – “MX1”; Uses are part of the Drake University campus.
 - West** – Limited “MX3”; Use is a convenience store.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the northwest intersection of Forest Avenue and 31st Street. The subject property is in the

Drake campus area and the surrounding uses includes a mix of low density residential to the north and commercial, higher density residential and institutional uses to the south.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the July 6, 2023, public hearing by emailing of the Preliminary Agenda on June 16, 2023, and the Final Agenda on June 30, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 16, 2023 (20 days prior to the public hearing) and June 26, 2023 (10 days prior to the public hearing) to the 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 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 mailings were sent to Courtney Ackerson, 979 26th Street, 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:** Neighborhood Mixed Use within a Neighborhood Node.

- 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 of the property be amended from "Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node". Plan DSM describes these designations as follows:

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.

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.

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 subject parcel is currently zoned “MX1” District. The Zoning Ordinance describes this district as, “intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.”

The applicant is proposing to rezone the parcel to the “RX1” District. The Zoning Ordinance describes this district as, “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low-scale neighborhoods.”

Staff believes the proposed amendment to the comprehensive plan is appropriate, as the subject property is located in the Drake University Campus area in a walkable neighborhood with a mix of uses along Forest Avenue. High density residential uses are appropriate in such areas with mixed use development within a neighborhood node and serves as opportunities for infill housing and other similar scale uses.

The proposed Community Mixed Use designation within a Neighborhood Node would allow a minimum density over 17 dwelling units per net acre. Therefore, the 0.46-acres subject property would be allowed to have seventeen (17) dwelling units as proposed.

2. **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.
3. **Utilities:** There is currently no public storm sewer fronting this property. The two sites immediately to the west of this proposed development utilized shallow detention with a curb outlet. A similar option could be explored for this site. Public sanitary sewer is available on Forest Avenue and 31st Street.
4. **Urban Design:** If rezoned to “RX1” District, any multiple-household residential use would need to be constructed in accordance with either the Flat Building or Row building type. The conceptual sketch submitted with the application indicates that the applicant is proposing two (2) flat buildings, each fronting Forest Avenue and 31st Street respectively with a total of 17 dwelling units. Each building is conceptually designed to be 2 stories in height.

Staff believes that the subject site would be an appropriate location for such a development given its location along Forest Avenue and the neighborhood node, as well as proximity to amenities in the Drake University Campus area.

- 5. Traffic/Street System:** The submitted site concept indicates seventeen (17) multiple-household residential units situated off a common drive with one access located on the north/south alley off Forest Avenue. The subject site is located within proximity to 30th Street, which is served by a DART bus line. Staff notes that a minimum 5-foot-wide sidewalk along all street frontages of the subject property is required.

A traffic study was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

- 6. 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 review before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Todd Garner made a motion for:

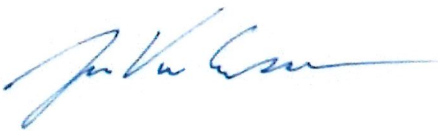
Part A) The requested "RX1" District be found not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use within a Neighborhood Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

Part C) Approval of the request to rezone the property from "MX1" Mixed-Use District to "RX1" Mixed-Use District.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 6/15/2023

1 inch = 90 feet



Updated on: 6/15/2023

1 inch = 91 feet

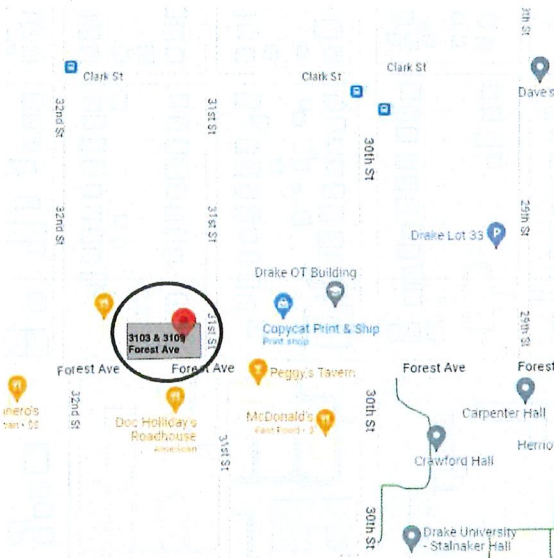
Overview

We are seeking new property zoning that will allow for medium density rowhome housing, consisting of 17 units, to be built on the properties.

Current zoning: MX1, Neighborhood-scale mixed use

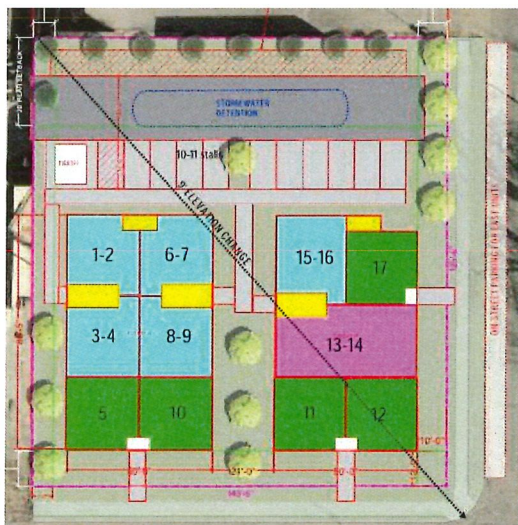
Proposed zoning: RX1, Transitional-scale mixed use

Location:



Proposed Use:

- Two 2-story buildings with a mix of 10 one-bedroom units and 7 two-bedroom units.





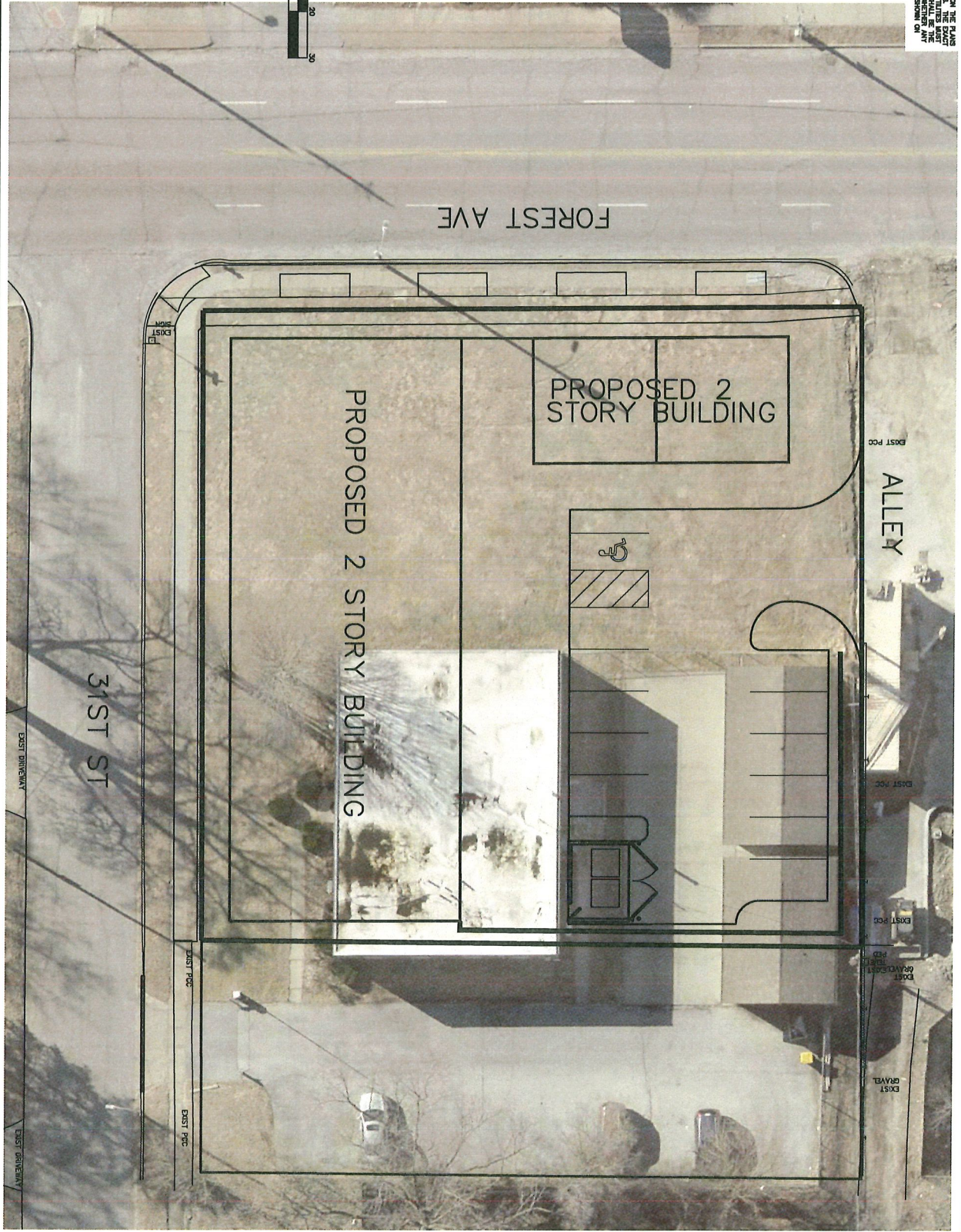
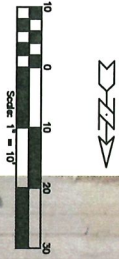
3103 & 3109 Forest Avenue

Neighborhood Rezoning Meeting

Date: 6.29.23

Location: Hope + Elim
2500 University Ave.

NOTES:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS
 ARE FROM AN EXISTING PUBLIC RECORDS. THE EXACT
 LOCATION AND DEPTH OF UTILITIES SHALL BE
 DETERMINED BY THE CONTRACTOR. IT SHALL BE THE
 CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES
 ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON
 THE PLANS MAY BE PRESENT.



ERG
 Engineering Resource Group, Inc.
 Engineers and Surveyors
 8413 GRAND AVENUE
 DES MOINES, IOWA 50318
 (515) 281-4599

31ST & FOREST - CONCEPT #2

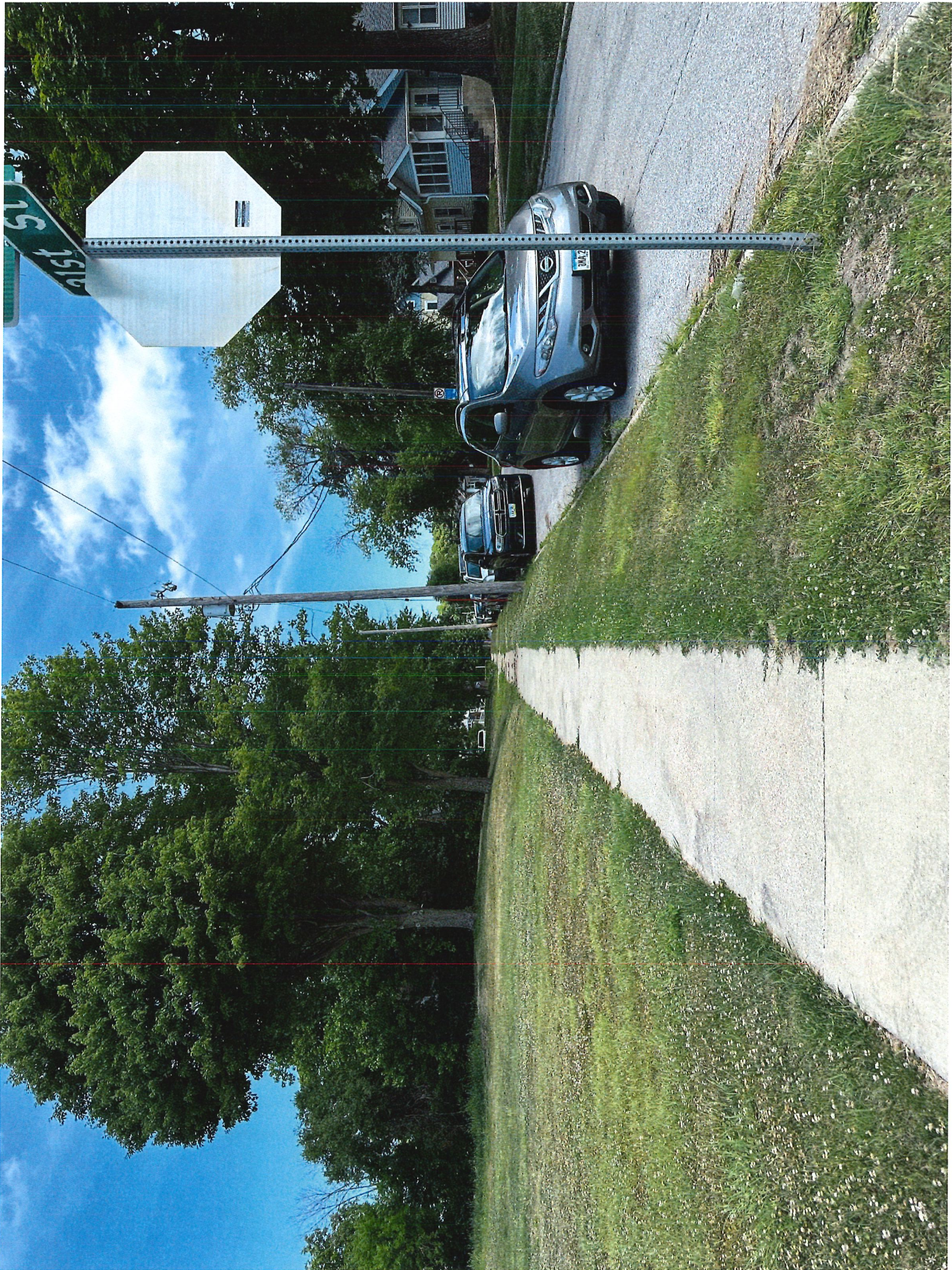
NO.	REVISION	DATE	BY	FOR	LOCATION:	SCALE:	AS NOTED	DESIGNED BY:	DJS	DRAWN BY:	BOH
						DWG:	P23-018-CP2.dwg	CHECKED BY:		DATE:	06/11/2023
						FIELD BOOK:		SHEET	1	OF	1
								FILE NO.:		P23-018	

P23-018



51







3103 Forest Ave Neighborhood Rezoning Meeting

June 29, 2023 @ 4pm

Sign-in Sheet

Name

Address

Lori Calhoun

2808 Cottage Grove Ave
DSM, Iowa 50311

51

From: jessie@dev.partners
To: [Neighborhood Meeting](#)
Cc: "[Danny Heggen](#)"; brandon@dev.partners; "[Doug Saltsgaver](#)"
Subject: Neighborhood Meeting Summary // 3103 & 3109 Forest Ave.
Date: Friday, June 30, 2023 2:24:41 PM
Attachments: [3103 Forest Ave Mailing List.xls](#)
[3103 Forest Ave - Neighborhood Meeting Letter.pdf](#)

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.

Good Afternoon,

Please see below written summary for the neighborhood meeting held for 3103 & 3109 Forest Ave, at Hope & Elim on Thursday, June 29th, in advance of our Planning & Zoning meeting on Thursday, July 6th.

1. Notification process:
 - a. Attached letter "3103 Forest Ave – Neighborhood Meeting Letter" was sent to all neighbors within the notification zone.
 - b. Attached address list for notification zone attached.
2. Who was involved in discussions:
 - a. Project team: Jessie Kintz (Dev Partners) / Euclid Foresight LLC), Danny Heggen (DEV Partners / Euclid Foresight LLC), and Doug Saltsgaver (ERG- civil engineer).
 - b. Public attendance: sign in sheet attached
3. Suggestions and concerns raised by neighbors:
 - a. Want to make sure housing is affordable (units will rent at 60-80% AMI)
 - b. Want to make sure it fits stylistically within the neighborhood (like design as rendered and discussed)
 - c. Wants to add scale of corridor and existing uses (like complementary use and medium density application)
 - d. Want this project to further connectivity between Avenues and Beaverdale
4. Changes as result of meeting:
 - a. No changes – current project plans address neighbor's concerns.

Please let me know if you have any questions.

Thank you

Jessie Kintz, Project Development Manager
DEV PARTNERS
1300 Walnut St. Suite 100
Des Moines, IA 50309
C: 515-988-3688



July 6, 2023

Des Moines Planning and Zoning Commission

Attn: Commissioners

Re: Rezoning Support for July 6, 2023 consent agenda item #7, 3103 Forest Avenue

Dear Commissioners,

On behalf of the Drake Neighborhood Association, I would like to express our support of the redevelopment project proposed at 3103 Forest Avenue in Des Moines.

Neighborhood Development Corporation has been in close communication with the Neighborhood Association in the development of this project as the vision has shifted over time. Plan changes have been swiftly communicated to our group and ideas have been exchanged over the course of the project. Most recently, there has been interest in development that would need the re-zoning of the space. As this project has been in progress, the development company, Dev Partners, has communicated with the board, scheduled neighborhood announcements, and multiple neighborhood meetings to listen to feedback from those impacted by this change. No opposition has been voiced throughout this process from neighbors or the board. We have board members voicing support for this project. This new development will bring additional housing to the area which appears to be more of a need in this specific location than commercial space based on feedback consistently provided from the neighborhood.

Please consider this our letter of support for this project re-zoning and anticipation for its successful completion.

Sincerely,

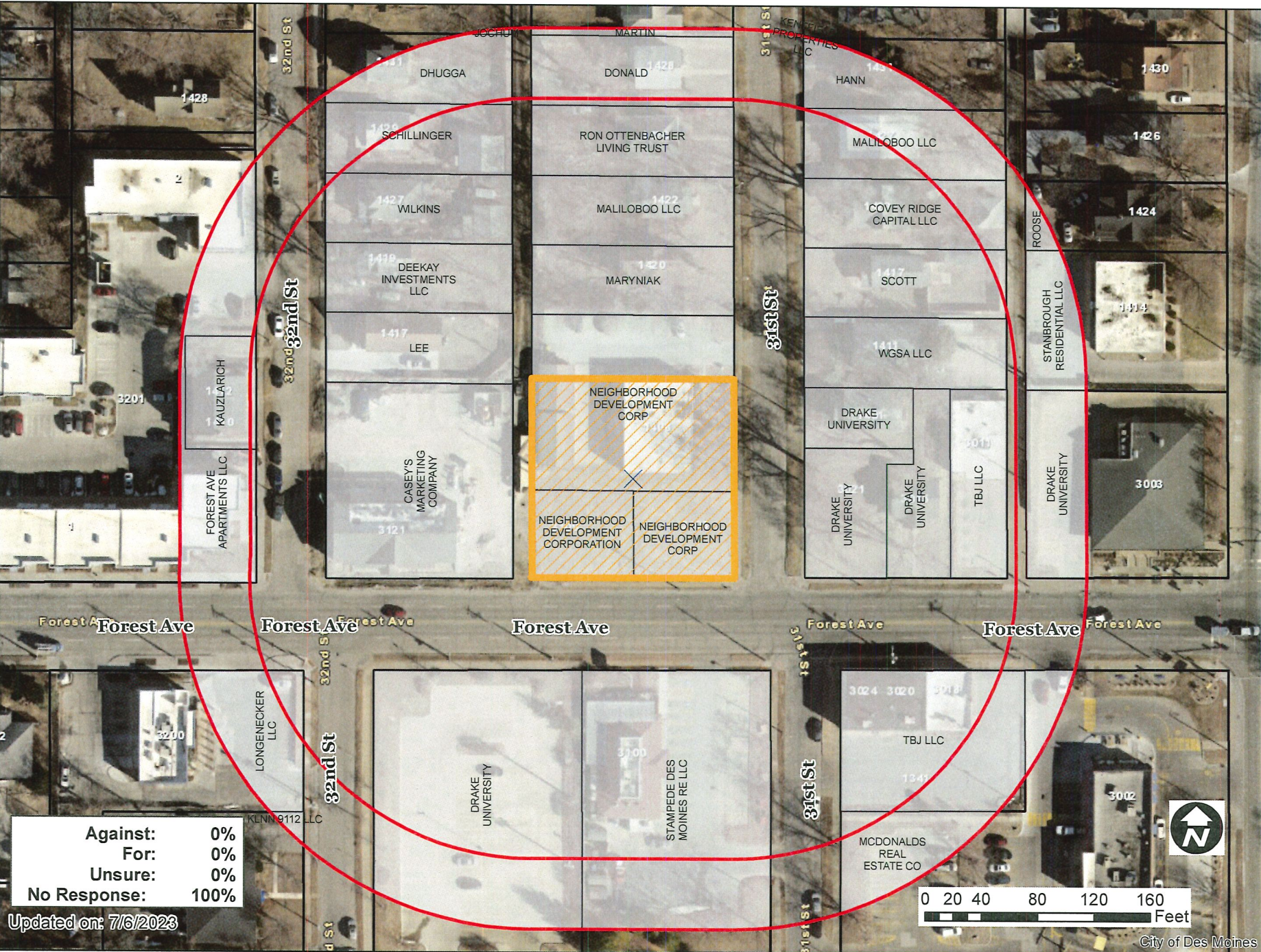
Courtney Ackerson

President, Drake Neighborhood Association

515-343-6627

Neighborhood Development Corp, Vicinity of 3103 Forest Avenue

ZONG-2023-000031



1 inch = 90 feet

Neighborhood Development Corp, Vicinity of 3103 Forest Avenue

ZONG-2023-000031



1 inch = 90 feet