

Date October 2, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM REGARDING REQUEST FROM WH II, LTD (OWNER) REPRESENTED BY CYNTHIA STEIDL-BISHOP (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 5631 FRANCIS AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N3B” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A PARKING LOT EXPANSION

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), for the proposed rezoning from “N3b” Neighborhood District to Limited “NX2” Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on August 17, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from WH II, LTD (Owner), represented by Cynthia Steidl-Bishop (Officer), to rezone the Property from “N3b” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use, subject to the following conditions:

1. 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).; and
2. Any parking lot shall provide screening along the west (side) property line to the satisfaction of the City’s Planning and Urban Design Division Administrator.;

WHEREAS, the Property is legally described as follows:

THE SOUTH 122 FEET OF LOT 1 IN JAN'S PLACE, PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; ALSO LEGALLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF



Roll Call Number

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Date October 2, 2023

LOT 1, JAN'S PLACE, PLAT NO. 3, THENCE NORTH 122 FEET, THENCE WEST 262.33 FEET, THENCE SOUTH APPROXIMATELY 122 FEET TO THE POINT OF BEGINNING, ALL BEING APPROXIMATE DIMENSIONS AND SUBJECT TO SURVEY.

WHEREAS, on September 11, 2023, by Roll Call No. 23-1250, 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 October 2, 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 Low Density Residential to Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3b" Neighborhood District to Limited "NX2" Neighborhood Mix District, to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use, 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/ Chas M. Cahill
Chas M. Cahill



Roll Call Number

.....

Agenda Item Number

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Date ..October 2, 2023.....

Assistant City Attorney

(COMP-2023-000024; ZONG-2023-000041)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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

August 18, 2023

Communication from the City Plan and Zoning Commission advising that at their August 17, 2023 meeting, the following action was taken regarding a request from WH II LTD (owner), represented by Cynthia Steidl-Bishop (officer), to rezone the property located at 5631 Francis Avenue from “N3b” Neighborhood District to “NX2” Neighborhood Mix District, to allow a parking lot expansion for an existing Group Living – Assisted Living Facility use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 “NX2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Medium Density Residential.

Part C) Approval of the request to rezone the property from “N3b” Neighborhood District to “NX2” Neighborhood Mix District subject to the following conditions:

1. 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).
2. Any parking lot shall provide screening along the west (side) property line to the satisfaction of the City's Planning and Urban Design Division Administrator.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested "NX2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

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 Low Density Residential to Medium Density Residential.

Part C) Staff recommends approval of the request to rezone the property from "N3b" Neighborhood District to "NX2" Neighborhood Mix District subject to the following conditions:

1. 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).
2. Any parking lot shall provide screening along the west (side) property line to the satisfaction of the City's Planning and Urban Design Division Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to "NX2" District in order to allow the expansion of an existing parking lot for a "Group Living - Assisted Living Facility" use. The proposed expansion would add approximately 1,200 square feet of paving and provide six (6) additional motor vehicle parking spaces. Four (4) of these proposed parking spaces would abut the one-household residential property to the west of the subject property.

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:** 0.74 acres (32,428 square feet).
3. **Existing Zoning (site):** "N3b" Neighborhood District.
4. **Existing Land Use (site):** The site currently includes an "Group Living - Assisted Living Facility" with an accessory surface parking lot to the west.
5. **Adjacent Land Use and Zoning:**

North – “MX3”; Uses are medical office building and multiple household apartment building.

South – ‘N3b’; Uses are one-household residential.

East – ‘N3b’; Uses are one-household residential.

West – “N3b”; Uses are one-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located along the north side of Francis Avenue and a block southeast of the intersection of Hickman Road and Mele Hay Road. The surrounding area includes a mix of commercial uses along Hickman Road, with a low density residential area to the south.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Merle Hay Neighborhood Association. All neighborhood associations were notified of the August 17, 2023, public hearing by emailing of the Preliminary Agenda on July 28, 2023, and the Final Agenda on August 11, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on July 28, 2023 (20 days prior to the public hearing) and August 7, 2023 (10 days prior to the public hearing) to the Merle Hay 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 Merle Hay Neighborhood mailings were sent to April Wyss, 2800 62nd Street, Des Moines, IA 50322.

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.

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 “Low Density Residential” to “Medium Density Residential”. Plan DSM describes these designations 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.

Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

The subject parcel is currently zoned “N3b” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code and House C in section 135- 2.15 of this code.”

The applicant is proposing to rezone the parcel to the “NX2” 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.”

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 for review before the property can be occupied by the proposed use. These regulations include screening and landscaping standards that will buffer the residences to the west from the parking lot.
3. **Nature Features:** Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Staff Rationale:** Staff believes that the subject property is an appropriate location for “NX2” Neighborhood Mix District zoning. This would allow the expansion of an existing accessory surface parking lot utilized by an existing use. However, the proposed motor vehicle parking spaces would be immediately adjacent to a one-household residential uses to the west. Therefore, staff recommends approval of the requested “NX2” Neighborhood Mix District subject to the condition listed in Section III of this report. Given that this area acts as a transition to the residential neighborhood to the west, south, and east, full compliance with the landscaping, screening and setbacks would be required.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Emily Webb made a motion for:

Part A) The requested “NX2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Medium Density Residential.

Part C) Approval of the request to rezone the property from "N3b" Neighborhood District to "NX2" Neighborhood Mix District subject to the following conditions:

1. 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).
2. Any parking lot shall provide screening along the west (side) property line to the satisfaction of the City's Planning and Urban Design Division Administrator.

THE VOTE: 11-0

Respectfully submitted,



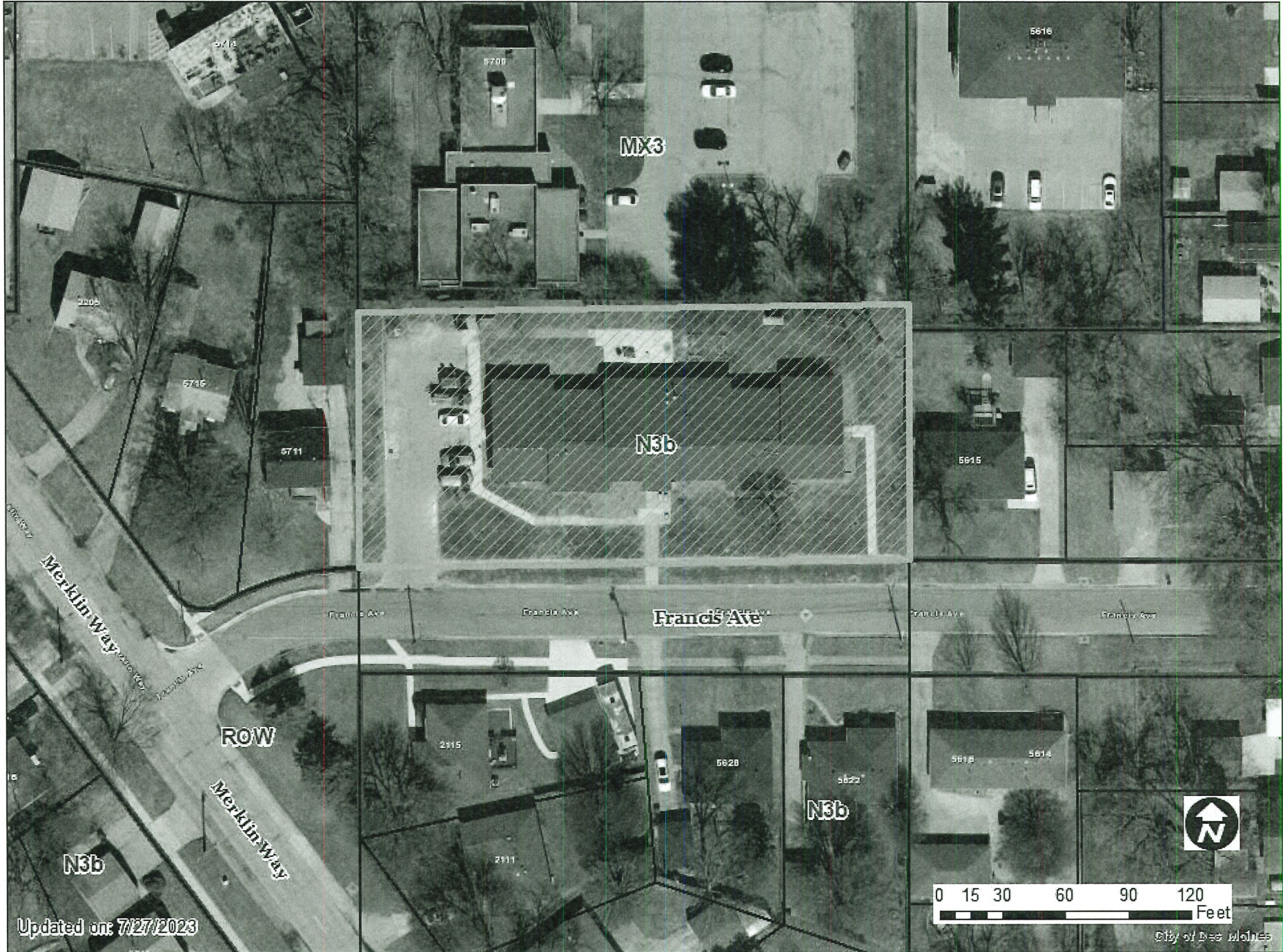
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

MD

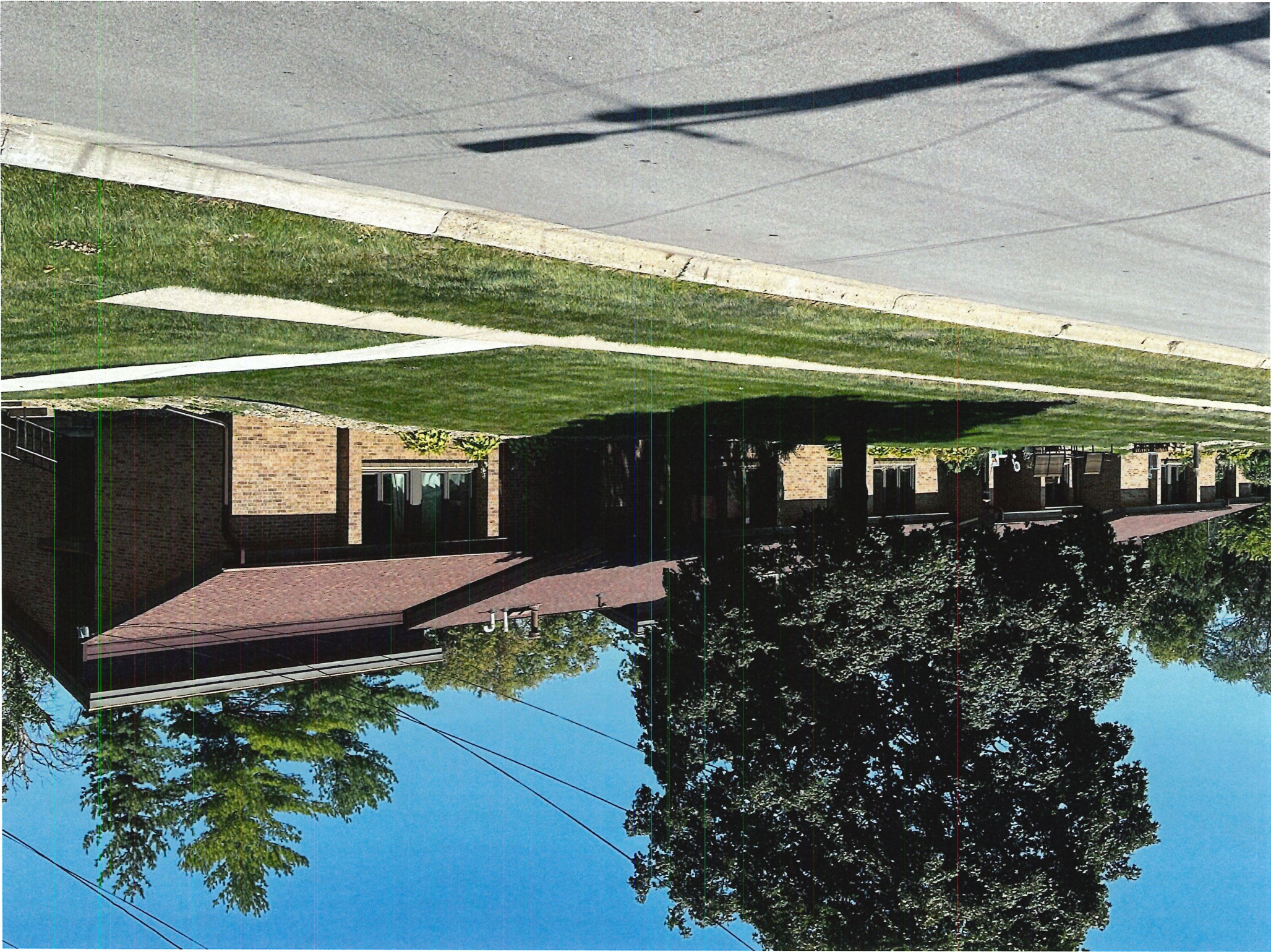
WH II LTD, 5631 Francis Avenue

ZONG-2023-000041



Updated on: 7/27/2023

1 inch = 61 feet

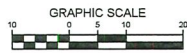






PRELIMINARY- NOT FOR CONSTRUCTION

1/16/2025 10:29 AM L:\00 PROJECTS\2025\00250361 FRANCIS AVE PARKING LOT\GIS\SITE PLAN\PROPOSAL.DWG



5631 FRANCIS AVE
DES MOINES, IA 50310

REFERENCE NUMBER:
DRAWN BY:
LR
CHECKED BY:
SYS
REVISION DATE:

PROJECT NUMBER:
220490

SHEET NUMBER:
C2.1

Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-8825
Phone: 515-276-9467 Fax: 515-276-4217
Civil Engineering & Land Surveying Established 1959

LAYOUT PLAN

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From: [Seth Sunderman](#)
To: [Chakraborty, Sreyoshi](#); [Tarpey, Nicholas O.](#)
Cc: [Levi Runciman](#)
Subject: RE: ZONG-2023-000041
Date: Friday, August 11, 2023 1:11:41 PM
Attachments: [image001.png](#)
[Mailing List.pdf](#)
[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.

Sreyoshi,

We held the Neighborhood Meeting on Wednesday August 9th for the Rezoning of 5631 Francis Ave. No resident attended and we did not receive any calls or emails regarding the rezone.

Please confirm that we are still on the August 17th Agenda.

Thanks,

Seth V. Sunderman, P.E. | Bishop Engineering Company, Inc.

3501 104th Street | Des Moines, Iowa 50322

O: 515-276-0467 | M: 712-621-6466

Upon Acceptance of this drawing or other data or any electronic media generated and provided by Bishop Engineering Company, Inc., the recipient covenants and agrees that all such drawings and data are instruments of service and belong to Bishop Engineering Company Inc. These files are transmitted without warranty as to their accuracy or suitability for the purpose to which the recipient intends to use them. The recipient agrees to waive all claims against Bishop Engineering Company Inc. resulting in any way from any unauthorized changes or reuses of the drawings of data. In addition, the recipient agrees, to the fullest extent permitted by law, to indemnify and hold Bishop Engineering Company Inc. harmless from any damage, liability or cost, including attorney's fees and cost of defense, arising from any changes or reuse of files(s). The drawings shall not be used or copied for any other project.

From: Levi Runciman <lrunciman@bishopengr.com>
Sent: Friday, August 11, 2023 1:08 PM
To: Seth Sunderman <ssunderman@bishopengr.com>
Subject: FW: ZONG-2023-000041

From: Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Sent: Friday, August 11, 2023 11:34 AM
To: Levi Runciman <lrunciman@bishopengr.com>; Jill.Pudenz@unitypoint.org
Cc: Hall, Tyler J. <TJHall@dmgov.org>
Subject: ZONG-2023-000041

Good Morning,

Please find the attached documents as it relates to your item on the August 17, 2023 Plan and

Zoning Commission agenda.

Thank you,

SREYOSHI CHAKRABORTY, AICP (She/Her) | CITY OF DES MOINES

Senior City Planner | Development Services

Office: 515-283-4749 Cell: 515-975-6820

dsm.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309



The City of Des Moines has launched new development review, permitting, and inspection software that includes a Customer Self-Service (CSS) online portal to make it easier to submit and track requests with the Planning & Urban Design Division. This portal provides customers with a secure and convenient way to submit applications and planning materials without printing, mailing, or faxing a form. Customers are also able to track requests to more easily determine where they are in the process. A link to this Customer Self Service site is available on the [Planning & Urban Design Division webpage](#).

Date	Proposal Number
7/26/2023	220490



To Whom It May Concern,

The owner of the Eyerly Ball Facility located at 5631 Francis Ave is requesting a zoning amendment to rezone the property from its current zoning (N3b) to NX2 Single and Multi-Family district. The property consists of 0.74 acres and its current use is a nursing home and the rezoning has been requested to accommodate for its current building and layout.

Project Description: The owner is proposing site improvements which consist of the expansion of the existing parking lot. Four parallel parking stalls on the west side of the parking lot and two head-in parking stalls in the south east corner of the parking lot are proposed to accommodate for more parking at the facility.

**** A revised site limits map has been provided, please see attached exhibit ****

We will be holding a neighborhood meeting on **Wednesday, August 9th, 2023 from 6:00 pm – 7:00 pm** at the Franklin Avenue Library located at **5000 Franklin Ave, Des Moines, IA 50310**. If you have any concerns, questions, or objections please feel free to contact me anytime by phone or email. It is anticipated that this will be presented on August 17th, 2023 to the Zoning Board of Adjustments.

Bishop Engineering
3501 104th Street
Des Moines, Iowa 50322
Seth Sunderman
515-276-0467
ssunderman@bishopengr.com

Sincerely,

Seth Sunderman, P.E.

Item: ZONG-2023-000041

Date: 8/14/2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 AUG 16 2023

Titleholder Signature: Lynn D. Brumley

Name/Business: LYNN D. BRUMLEY

Impacted Address: 2107 MERKLIN WAY

Comments: ENLARGE THE PARKING LOT!

NO OBJECTION FROM ME!

Item: ZONG-2023-000041

Date: 8-14-2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 AUG 17 2023

Titleholder Signature: Andrea Pedersen

Name/Business: Andrea Pedersen

Impacted Address: 5628 Francis Ave
DM IA 50310

Comments: yes! So they stop parking in front
of my house.

Item: ZONG-2023-000041

Date: 8-14-23

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT

AUG 17 2023

Titleholder Signature: _____

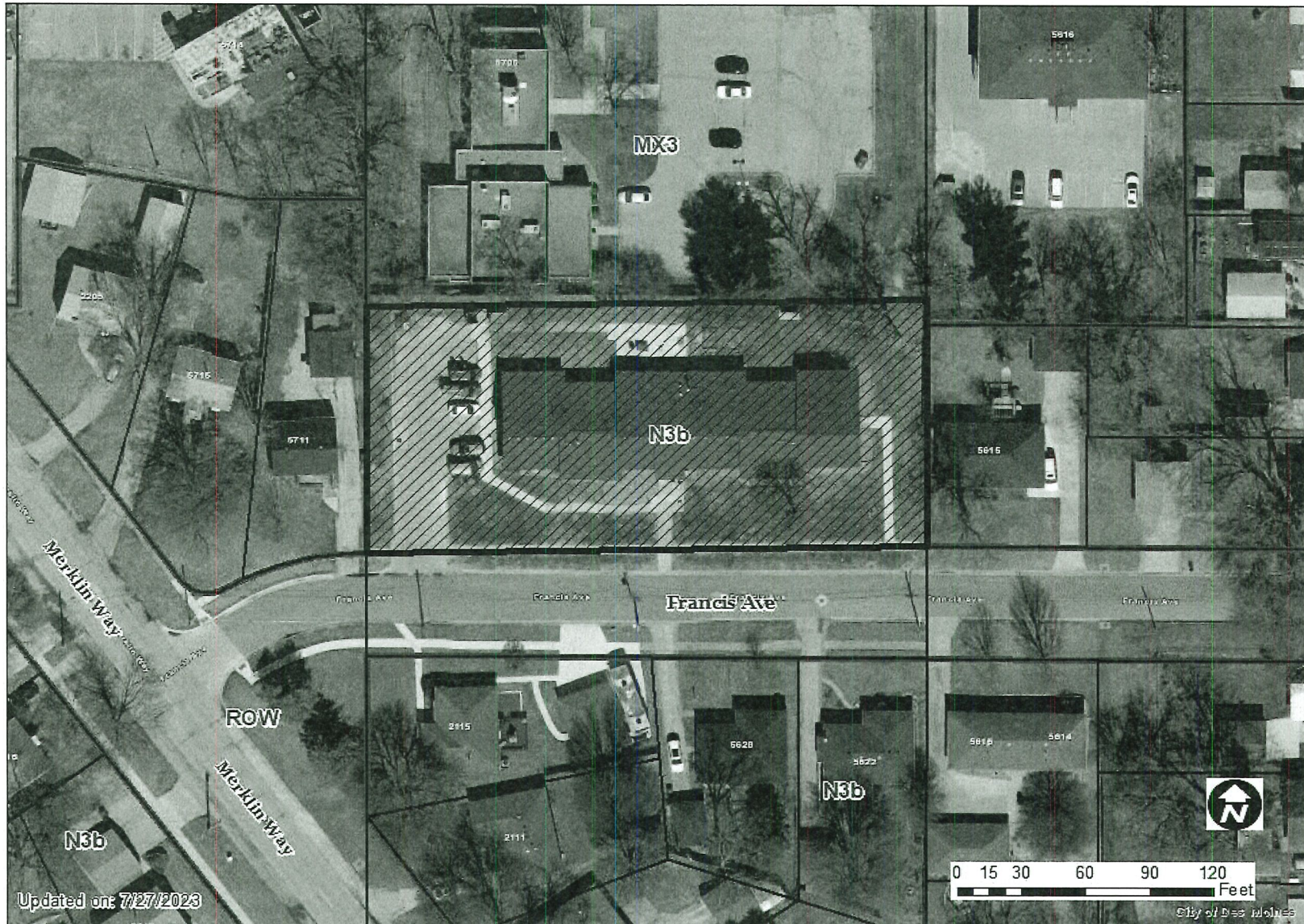


Name/Business: _____

Impacted Address: _____

5614 FRANCIS AVE DES MOINES IA 50319

Comments: I DON'T SUPPORT THE EXPANDED PARKING LOT.
IT SEEMS TO ME THAT ANY UPDATES TO A COMMERCIAL
BUILDING THAT EXISTS IN A RESIDENTIALLY ZONED AREA SHOULD
MAKE THE BUILDING FEEL MORE RESIDENTIAL. ADDING A SECOND PARKING
AREA ONLY ADDS TO THE COMMERCIAL ELEMENT OF THE FACILITY.



1 inch = 61 feet