



Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM LUTHERAN SERVICES OF IOWA, INC. (OWNER), REPRESENTED BY DAN DEAN (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN VICINITY OF 3125 COTTAGE GROVE AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lutheran Services of Iowa, Inc (owner), represented by Dan Dean (officer), for the proposed rezoning from “N5” Neighborhood District to “RX1” Mixed Use 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 October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lutheran Services of Iowa, Inc (owner), represented by Dan Dean (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lutheran Services of Iowa, Inc (owner), represented by Dan Dean (officer), to rezone the Property from “N5” Neighborhood District to “RX1” Mixed Use District, to allow a minor expansion of an existing parking lot; and

WHEREAS, the Property is legally described as follows:

LOTS 15, 17, 18, AND THE WEST 60 FEET OF LOT 22 ALL IN LYONS PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1321, 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 23, 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:



Roll Call Number

Agenda Item Number

65

Date October 23, 2023

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 Neighborhood Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to “RX1” Mixed Use District, to allow a minor expansion of an existing parking lot, 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-2023-000059)(COMP-2023-000035)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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

October 16, 2023

Communication from the City Plan and Zoning Commission advising that at their October 5, 2023 meeting, the following action was taken regarding a request from Lutheran Services of Iowa, Inc (owner), represented by Dan Dean (officer), to rezone the property located in the vicinity of 3125 Cottage Grove Avenue from “N5” Neighborhood District to “RX1” Mixed Use District, to allow a minor expansion of an existing parking lot.

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 “RX1” 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 PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “N5” Neighborhood 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 Low Density Residential.

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

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “RX1” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

1. **Purpose of Request:** The applicant would like to expand the existing accessory surface parking lot by adding 10 more parking spaces.

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:** 48,800 square feet (1.12 acres).

3. **Existing Zoning (site):** “N5” Neighborhood District.

4. **Existing Land Use (site):** The subject property contains a 1-story small assembly and office building with accessory paved surface parking in the side and rear yards.

5. **Adjacent Land Use and Zoning:**

North – “MX3” & “RX1”; Uses are office with accessory surface parking.

South – “N5” & “N5-4”; Uses are one-household residential and multiple household residential.

East – “N5”; Uses are one-household residential.

West – “N5” & “MX3”; Uses are office with accessory surface parking and one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located midblock on Cottage Grove Avenue between 31st Street and 33rd Street. The surrounding area includes a mix of one-household residential, multiple-household residential conversions, small assembly, office, and retail/fuel station uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on September 15, 2023 and by emailing of the Final Agenda on September 29, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2023 (20 days prior to the hearing) and on September 25, 2023 (10 days prior to the

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 Drake Neighborhood mailings were sent to Courtney Ackerson.

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 “Neighborhood Mixed Use”. PlanDSM 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.

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.

The subject parcel is currently zoned “N5” District. The Zoning Ordinance describes this 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 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.”

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.
3. **Traffic and Site Access:** The proposed improvements would be internal to the site and would not impede or modify pedestrian or vehicular traffic patterns.

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:

Carolyn Jenison made a motion for:

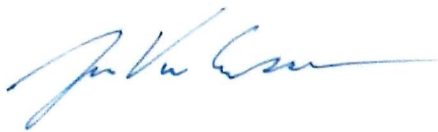
Part A) The requested “RX1” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

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

Part C) Approval of the request to rezone the property from “N5” Neighborhood District to “RX1” Mixed Use District.

THE VOTE: 11-0

Respectfully submitted,

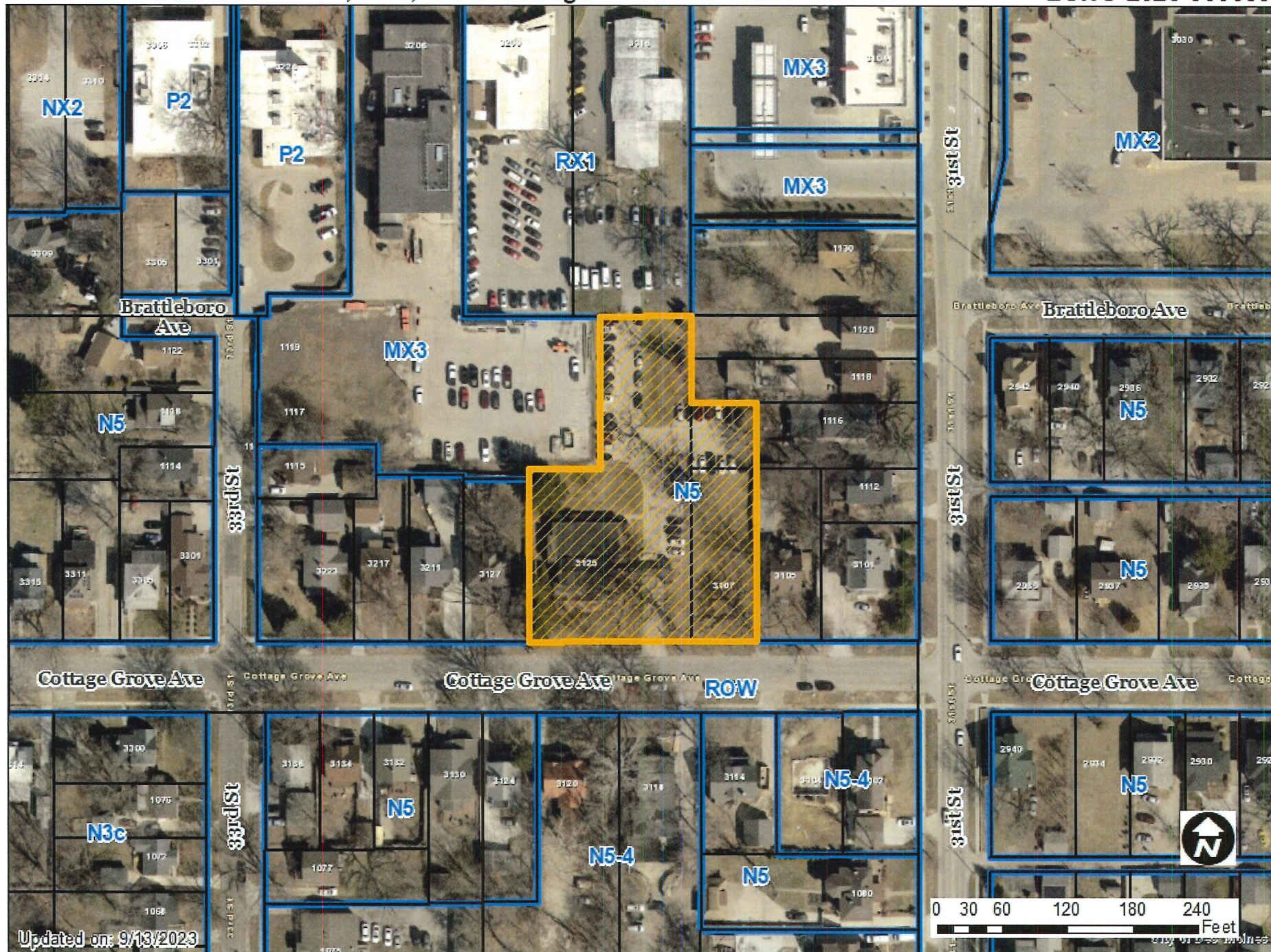


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Lutheran Services In Iowa, INC, 3125 Cottage Grove Avenue

ZONG-2023-000059



1 inch = 117 feet

Network: Oct 5, 2023 10:06:50 AM CDT
Local: Oct 5, 2023 10:06:50 AM CDT
41°35'54.709"N -93°39'37.681"W
3125 Cottage Grove Avenue
Des Moines
Polk County
Iowa



Network: Oct 5, 2023 10:07:44 AM CDT

Local: Oct 5, 2023 10:07:43 AM CDT

41°35'56.843"N -93°39'37.245"W

3125 Cottage Grove Avenue
Des Moines
Polk County
Iowa



UNIVERSITY AVE

NORTH

PROPOSED 10
STALL PARKING
LOT EXPANSION

3125 COTTAGE
GROVE AVE

31ST ST

33RD ST

COTTAGE GROVE AVE

25'



NOTE:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.

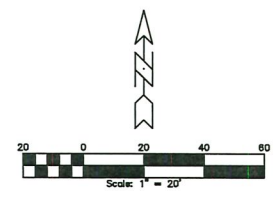
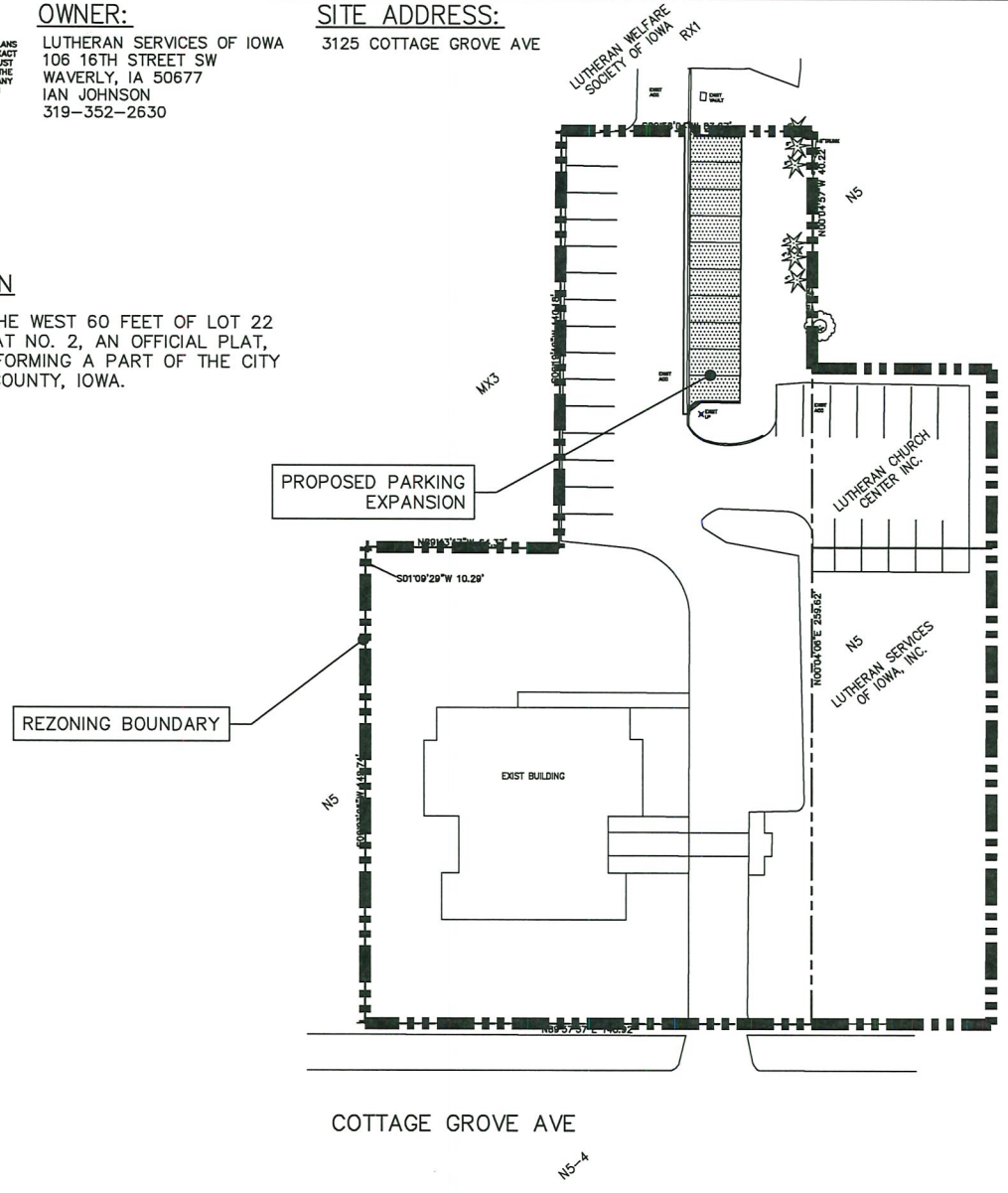
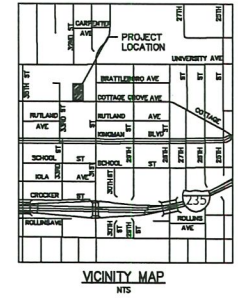
OWNER:
 LUTHERAN SERVICES OF IOWA
 106 16TH STREET SW
 WAVERLY, IA 50677
 IAN JOHNSON
 319-352-2630

SITE ADDRESS:
 3125 COTTAGE GROVE AVE

LEGAL DESCRIPTION

LOTS 15, 17, 18, AND THE WEST 60 FEET OF LOT 22 ALL IN LYONS PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

ZONING:
 CURRENT N5
 PROPOSED RX1

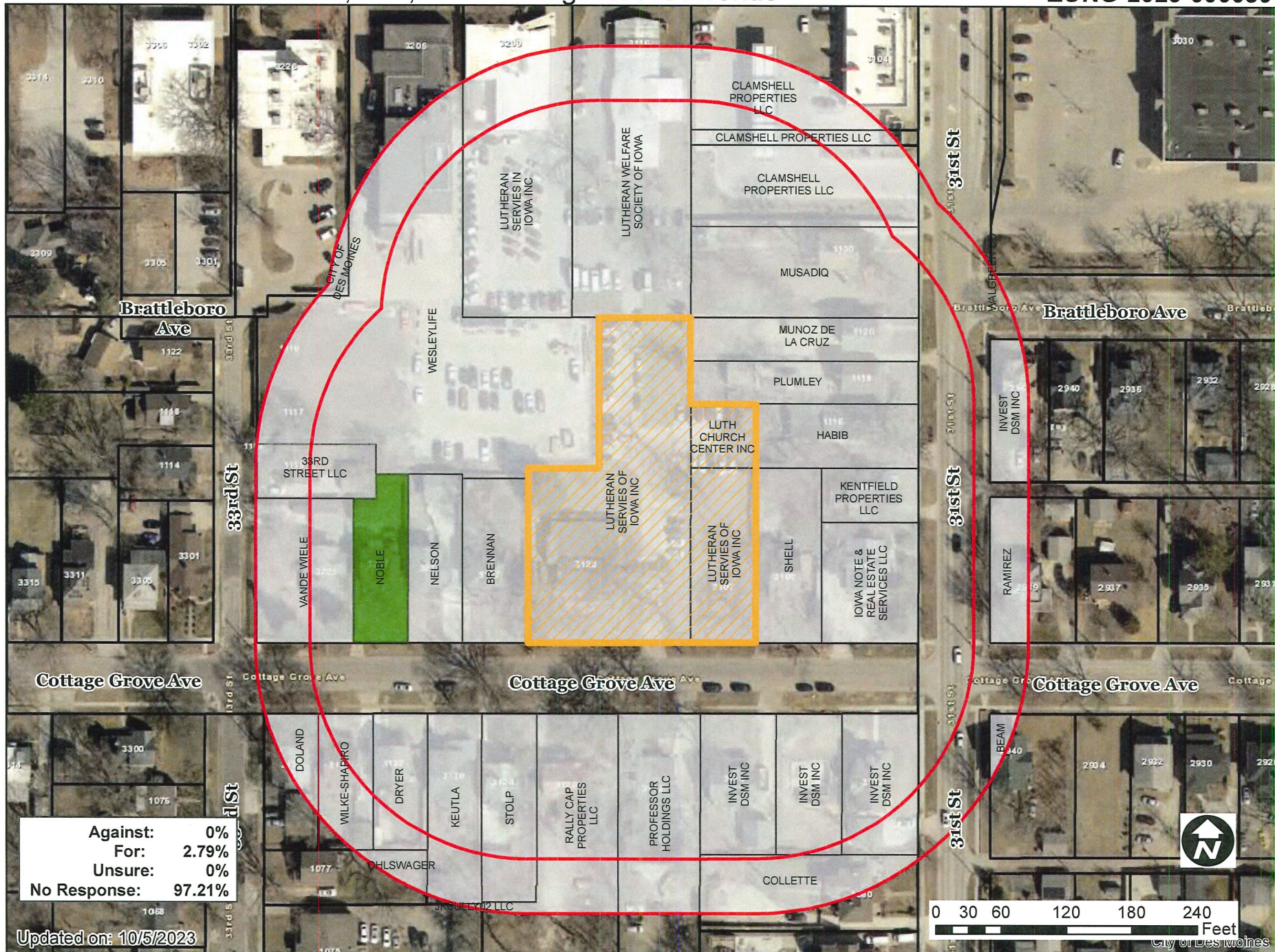


LUTHERAN SERVICES REZONING DRAWING	
NO.	DATE
REVISION	BY FOR
ISSUED FOR	DESIGNED BY
DESIGNED BY	DRAWN BY
PROJECT NO.	DATE
FIELD BOOK	FILE NO.
SHEET	OF
FIRG CONSULTANTS, Inc. Engineers and Surveyors 2415 GRAND AVENUE DES MOINES, IOWA 50319 (515) 281-4663	

J:\2023 Projects\23-065\REZONE\23-065-REZONE-EXHIBIT-1.dwg, 9/13/2023 2:52:00 PM, DFR

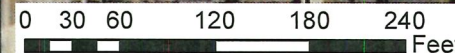
Lutheran Services In Iowa, INC, 3125 Cottage Grove Avenue

ZONG-2023-000059



Against:	0%
For:	2.79%
Unsure:	0%
No Response:	97.21%

Updated on: 10/5/2023



1 inch = 117 feet

Item: ZONG-2023-000059 Date: _____

Please mark one of the following:

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

<p>Staff Use Only RECEIVED COMMUNITY DEVELOPMENT OCT 02 2023</p>
--

Titleholder Signature: *for Noble*

Name/Business: JASON NOBLE

Impacted Address: 3217 COTTAGE GROVE AVE.

Comments: HAPPY TO SUPPORT LS!

From: [Doug Saltsgaver](mailto:Doug.Saltsgaver@ergcorp.com)
To: info@drakeneighborhood.org
Subject: LUTHERAN SERVICES
Attachments: [Neighbor Letter.pdf](#)
[23-065-REZONE-SKETCH.pdf](#)

Courtney,

I am the Civil Engineer working with Lutheran Services at 3125 Cottage Grove Avenue to add 10 parking spaces along an existing driveway on their property. After the site plan was submitted for the parking lot expansion, the City determined the zoning district they placed the property in when they rezoned the entire city in 2019 does not allow parking lots. Thus Lutheran Services is required to rezone the property to RX1 which does allow parking lots.

We held a neighborhood meeting yesterday from 5:30 to 6:30 at 3125 Cottage Grove to provide nearby property owners information on the rezoning and answer questions they may have, and no one showed up. Attached is the invitation that was mailed to property owners within 250' of the land requested to be rezoned.

We want to make sure the Drake Neighborhood Association is aware of why the rezoning is necessary and answer any questions you may have.

Please respond that you received this email and let me know if you have any questions or concerns.

We hope you will provide the city a favorable response to this rezoning request.

Thank you.

Doug Saltsgaver, PE
Engineering Resource Group, Inc.
2413 Grand Avenue
Des Moines, IA 50312
515-288-4823
doug@ergcorp.com

From: [Doug Saltsgaver](#)
To: [Neighborhood Meeting](#)
Subject: LUTHERAN SERVICES
Date: Wednesday, September 20, 2023 7:38:19 AM
Attachments: [Neighbor Letter.pdf](#)
[23-065-REZONE-SKETCH.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.

A neighborhood meeting for the rezoning was held on 09/19/23 from 5:30 to 6:30 at 3125 Cottage Grove Avenue. No one showed up. Attached is the invitation that was mailed to all the property owners on the list supplied by the City.

Thank you.

Doug Saltsgaver, PE
Engineering Resource Group, Inc.
2413 Grand Avenue
Des Moines, IA 50312
515-288-4823
doug@ergcorp.com

ERG

ENGINEERING RESOURCE GROUP, INC.

ENGINEERS & SURVEYORS

PH. 515 / 288-4823 • FAX 515 / 288-3860 • Email: erg@ergcorp.com

September 12, 2023

Dear Property Owner:

You are receiving this letter and information because you own property that is located within 250 feet of 3125 Cottage Grove Avenue, Des Moines. This is the Lutheran Services building on the north side of Cottage Grove. The City requires that we contact you as this property is seeking to be rezoned to RX1. You will receive more information from the City regarding their meeting dates in the near future.

Lutheran Services is proposing to add about ten new parking stalls on the east side of an existing driveway north of the building. In December of 2019, the City adopted a new zoning ordinance and assigned a new zoning district to every property in Des Moines. The City assigned this property a zoning of N5, which does not allow surface parking lots.

This was an error. Thus, in order to allow the parking addition, the City is requiring the property to be rezoned. There will be no change to the building or the operations of Lutheran Services.

On the back of this sheet is a sketch showing the area proposed to be rezoned.

We will hold an informal informational neighborhood meeting on Tuesday, September 19 from 5:30 – 6:30 p.m. at 3125 Cottage Grove Avenue where you can ask questions about this rezoning.

If you have any questions or can't attend the meeting, you may call or email:

Civil Engineer: Doug Saltsgaver, ERG, doug@ergcorp.com 515-288-4823

Owner Representative: Kaycee Boros, Lutheran Services, kaycee.boros@lsiowa.org
515-271-7411 x6128

We hope we can have your support for this rezoning and ask that when you receive the comment card from the city that you respond in favor.

Thank you.

Engineering Resource Group, Inc.

Doug Saltsgaver, P.E.
President

DJS/kee



1 inch = 117 feet