

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	February 22, 2010
	Agenda Item No. 48 Roll Call No. <u>10-</u> Communication No. <u>10-101</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Public Hearing and first reading of an ordinance to rezone the Rollins Mansion located at 2801 Fleur Drive (Hubbell Realty Company, Owner) from a “C-O” Commercial-Residential District to a “Limited C-2” General Retail and Highway Oriented Commercial District.

SYNOPSIS:

On January 21, 2010 the Plan and Zoning Commission recommended denial of a request to amend the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development and denial of the proposed rezoning by a vote of 9-0. The Commission expressed concern regarding the number of speculative uses that could be permitted on the property and suggested that the applicant request zoning for a specific use when that use was known. In response to the Plan and Zoning Commission’s concerns, Hubbell Realty Company has voluntarily agreed to reduce the number of permitted uses and other zoning limitations for the property (see attached letter of zoning acceptance) while allowing flexibility of permitted uses to market the subject property. The Plan and Zoning Commission has not reviewed the revised list of permitted uses. The City Council can approve the zoning as proposed by Hubbell Realty Company subject to a 6/7th vote, or the City Council can refer the zoning request to the Plan and Zoning Commission for reconsideration. Staff recommends approval of the revised zoning request.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The revised “Limited C-2” district would allow all “C-O” district uses except for communication towers, correctional placement residences, shelters for the homeless, and agricultural uses. This is more restrictive than the current zoning for the property and more restrictive than what the Plan and Zoning Commission reviewed on January 21, 2010.

In addition, the proposed “Limited C-2” district would allow a list of specialty retail, restaurant and hospitality uses up to 15,000 square feet in gross floor area; photographic studios; banks, savings and loan associations; business, secretarial or other commercially operated schools for adults; ballrooms, dancehalls, and events center, including those with alcohol service in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment; physical culture or health establishments; and

auction businesses except for auto auctions. This is less restrictive than the current zoning for the property but more restrictive than what the Plan and Zoning Commission reviewed on January 21, 2010.

Finally, the proposed “Limited C-2” district would impose the following conditions on redevelopment of the property:

1. Any modifications to the site, including any building additions, building demolition or parking lot expansions, shall be in accordance with a site plan as approved by the City’s Plan & Zoning Commission and shall, to the extent feasible, respect the historic character of the building.
2. Any additional parking constructed shall be set back at least 10 feet from the northern and eastern boundaries, 25 feet from the southern boundary of the property, and 35 feet from the western boundary.
3. Any additional parking constructed shall be landscaped in accordance with the Landscape Standards applicable to the “C-2” District.
4. Signage shall be limited to a single monument sign constructed with a brick base to complement the structure and shall not exceed 8 feet in height or 32 square feet in area.

PREVIOUS COUNCIL ACTION(S):

Date: February 8, 2010

Roll Call Number: 10-185

Actions: Set date of hearing on request from Hubbell Realty Company to rezone 2801 Fleur Drive from “C-0” (Commercial-Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (2-22-10). (Plan and Zoning Commission recommends DENIAL) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: January 21, 2010

Action: The Plan and Zoning Commission voted as follows:

- A) Motion to find the requested rezoning not in conformance with the existing Des Moines’ 2020 Community Character Plan was approved 9-0.
- B) Motion to deny a request to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development was approved 9-0.
- C) Motion to deny rezoning of property from “C-0” Commercial-Residential District to Limited “C-2” General Retail and Highway Oriented Commercial District was approved 9-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third consideration of the proposed ordinance unless waived by the City Council (requires 6/7 vote).

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