

Date February 25, 2008

WHEREAS, on February 11, 2008, by Roll Call No. 08-217, it was duly resolved by the City Council that the application of Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer), to rezone certain property it is acquiring from the State of Iowa in the vicinity of 800 E. Court Avenue, more fully described below, be set down for rehearing on February 25, 2008 , at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 14, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

A portion of Block 12, Town of De Moine, an Official Plat, and portions of the adjoining vacated SE 8th Street and SE 9th Street rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more specifically described as follows: Beginning at the Northwest corner of Lot 3 of said Block 12, thence North 74°56'43" East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 and the extension thereof a distance of 281.62 feet to the East right-of-way line of vacated SE 9th Street; thence South 14°45'54" East along the easterly line of vacated SE 9th Street, a distance of 287.79 feet; thence North 72°48'00" West, 579.47 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 a distance of 175.86 feet to the Point of Beginning.

from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by the Iowa Association of Community College Trustees, and is binding upon it and its successors, heirs and assigns as follows:

- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

( continued )

Date..... February 25, 2008

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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, 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

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December 3, 2007

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 1, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace				X

**APPROVAL** of a request from Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer) to amend the Des Moines' 2020 Community Character Plan land use designation from Public/Semi-Public to Downtown Support Commercial for property located at 800 East Court Avenue. (21-2007-4.17)

By separate motion, Commissioners recommended **APPROVAL** of a request to rezone subject property from "R-4" Multiple-Family Residential District to "C-1" Neighborhood Retail Commercial District to allow for development of vacant land for administrative office use subject to the following conditions: (ZON2007-00177)

1. Prohibition of the removal of any tree over 6" in caliper on the subject property until a Site Plan is approved.
2. Provision of a tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the property.

Written Responses

0 In Favor

0 In Opposition

*This item would not require a 6/7 vote of City Council.*



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan Future Land Use designation of Public/Semi-Public.

Part B) Staff recommends approval of the proposed amendment to the Des Moines' 2020 Community Character Plan from Public/Semi-Public to Downtown Support Commercial.

Part C) Staff recommends approval of the requested rezoning subject to the following conditions:

1. Prohibition of the removal of any tree over 6" in caliper on the subject property until a Site Plan is approved.
2. Provision of a tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the property.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is owned by the State of Iowa. The applicant is proposing to construct a 7,600 square foot office building for the Iowa Association of Community College Trustees generally on the eastern two-thirds of the property. The property owner to the west would acquire the western third of the site to incorporate with their property as additional open space.
2. **Size of Site:** 58,938 square feet or 1.353 acres.
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped land maintained as part of the State Capitol Complex.
5. **Adjacent Land Use and Zoning:**  
*North* – "R-4", Use is State employee parking lot.  
*South* – "C-3A" & "M-1", Uses are office and railroad lines.  
*East* – "R-4", Use is State Capitol Grounds.  
*West* – "C-3A", Use is office.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the southern edge of the State Capitol Complex in the mixed use East Village area within the downtown.
7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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

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§414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees, in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The site generally slopes downward from the northeast to the southwest. The site contains several mature trees and is maintained as part of the State Capitol Complex. Staff believes the site should be developed to minimize the impact on existing trees to the extent possible. Staff recommends that as a condition of approval the removal of trees 6" in caliper or greater be prohibited until a Site Plan is approved that includes a tree protection plan.
2. **Drainage/Grading:** Future development of the site must comply with the City's grading, soil erosion and storm water management requirements. Compliance with these requirements are evaluated during the site plan review process.
3. **Utilities:** Staff believes there is sufficient capacity in the surrounding utilities to support the development of this site.
4. **Landscaping & Buffering:** Future development will be require to provide landscaping and buffer in accordance with the City's Landscaping Standards. The "C-1" District standards generally include the following:
  - a. Open space equal to 20% of the site with 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.
  - b. A 10'-wide bufferyard along all property lines that adjoin an "R" District or residential use with a 6'-tall 75% opaque fence or wall and 2 overstory trees and 6 evergreen shrubs per 100' lineal feet.
  - c. Parking lot interior plantings for lots containing 50 or more stalls with 1 overstory tree and 3 shrubs for every twenty spaces.
  - d. A minimum 7'-wide parking lot perimeter strip along all property lines that adjoin a street or alley with 1 overstory tree and 3 shrubs per 50' lineal feet.
5. **Traffic and Access:** The subject property is located on East Court Avenue. The surrounding street system should have adequate capacity to handle traffic generated by the proposed office.
6. **2020 Community Character Plan:** The subject property is part of the State Capitol Complex and is designated Public/Semi-Public by the 2020 Community Character Plan.
7. **Urban Design:** The following "C-1" District bulk regulations would apply to the proposed office building.
  - Minimum front yard setback – 25 feet
  - Minimum side yard setback – None unless adjoined by a "R" District in which case it is 10 feet
  - Minimum rear yard setback – none unless adjoined by a "R" District in which case it is 10 feet
  - Maximum height – 35 feet.
  - Maximum number of stories – 2 stories.

The submitted site sketch is not to scale but appears to meet the "C-1" District setback requirements. The proposed building is shown generally in the center of the eastern two-thirds

of the site with parking to the east and south of the building. The State Capitol Commission has approved the site sketch and building elevations for the proposed development.

## **SUMMARY OF DISCUSSION**

Jason Van Essen: Presented staff report and recommendation.

Dann Flaherty: Asked if the site plan could return to the Commission.

Jason Van Essen: Noted the applicant could be asked to return. Explained the elevations and schematic site plan that were presented had been approved by the State's Capitol Planning Commission.

M.J. Dolan, Exec. Director, Iowa Association of Community College Trustees, 707 E. Locust: In an effort to cooperate with the State they have developed a real estate exchange agreement for the vacant lot to the west and they have been to the Capitol Planning Commission three times and at their October 17<sup>th</sup> meeting they approved the Concept Plan. She indicated they would be returning to the Capitol Planning Commission on November 16, 2007 for approval of the exterior elevations. October 29 they met with the State Executive Council, who approved the agreement. Noted they are pending a final survey and then they will be exchanging funds and exchanging land and construction will move forward.

Bruce Heilman: Asked why they are not requesting C-3A zoning for office use.

M.J. Dolan: Deferred to staff.

Larry Hulse: Indicated C-1 is more appropriate.

Mike Lewis, Principal, Durrant Group, 510 E. Locust, Suite 200: Noted they are indicating 39 parking stalls on the property. Explained the site grade falls to the south. Noted it is their intention to leave all the trees along Court Avenue in place. They cannot maintain trees on the southern edge of the property but will have a tree survey done. There are seven trees on the site that will have to be removed in the rear as part of the mitigation process. Noted they have been asked to have a LEED building on the site and currently they have 33 points, which would certify the building for LEED.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak on this item.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Kaye Lozier: Moved part A to find the proposed rezoning not in conformance with the Des Moines' 2020 Community Character Plan Future Land Use designation of Public/Semi-Public.

Motion passed 11-0.

Kaye Lozier: Moved part B to amend the Des Moines' 2020 Community Character Plan from Public/Semi-Public to Downtown Support Commercial.

Motion passed 11-0.

Bruce Heilman: Asked about having a C-1 with a C3-A type office use, and leaving a C-1 triangle of land owned by a C3-A operation and asked that once the land transaction is accomplished, the owner to the west return to the Commission to make all their property C3-A. Explained he did not

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object to the C-1 for the new project and agreed keeping the trees is good, but asked that the zoning on the other property be consolidated.

Mike Ludwig: Noted C3-A would require the building be moved closer to the street, which would require removal of more trees so staff asked for C-1. C-1 also has a limit on uses. Explained C-1 is what was noticed and the C3-A is a more intense zoning district and would require renotification to change it to C3-A.

Dann Flaherty: Suggested leaving it at C-1 but limiting it to C3-A uses.

Mike Ludwig: Noted C-1 is more restrictive than C3-A. Suggested when the zoning map is done with the zoning ordinance update, a legislative change could be done.

Bruce Heilman: Moved staff recommendation for C to approve the requested rezoning subject to the following conditions:

1. Prohibition of the removal of any tree over 6" in caliper on the subject property until a Site Plan is approved.
2. Provision of a tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the property.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment