

★ **Roll Call Number**

✓
Agenda Item Number

26

.....
Date..... April 7, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2008, its members voted 13-0-1 in support of a motion to recommend **APPROVAL** of a request from Drake University (owner) represented by Victoria Payseur (officer) to rezone property located at 1428 29th Street and 2901 Forest Avenue from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow use of the property for expansion of freestanding off-street parking subject to the applicant agreeing to the following conditions:

1. The only uses allowed are those permitted in the "R-3" District, communication tower and antennas; and off-street parking lot.
2. No access for off-street parking into any adjoining "R" District.
3. Compliance with all site plan requirements for landscaping, tree protection/mitigation, grading/soil erosion control and storm water management.

The subject property is more specifically described as follows:

Lots 16 through 20 Drake Athletic Park Addition.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 21, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(Continued)

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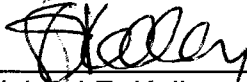
April 7, 2008

Date

-2-

MOVED by _____ to adopt.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(ZON2008-00028)

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

April 7, 2008

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 April 3, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	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			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace			X	

APPROVAL of a request from Drake University (owner) represented by Victoria Payseur (officer) to amend the Des Moines' 2020 Community Character Plan land use designation for property located at 1428 29th Street and 2901 Forest Avenue from Low Density Residential to Public/Semi-Public. (21-2008-4.06)

By same motion and vote, Commissioners recommended **APPROVAL** of a request to rezone subject property from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow use of the property for expansion of freestanding off-street parking subject to the applicant agreeing to the following conditions: (ZON2008-00028)

1. The only uses allowed are those permitted in the "R-3" District, communication tower and antennas; and off-street parking lot.
2. No access for off-street parking into any adjoining "R" District.
3. Compliance with all site plan requirements for landscaping, tree protection/mitigation, grading/soil erosion control and storm water management.

Written Responses

1 In Favor
0 In Opposition

This item will 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 that the Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Public/Semi-Public.

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

1. The only uses allowed are those permitted in the "R-3" District, communication tower and antennas; and off-street parking lot.
2. No access for off-street parking into any adjoining "R" District.
3. Compliance with all site plan requirements for landscaping, tree protection/mitigation, grading/soil erosion control and storm water management.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting to expand the existing off-street parking area.
2. **Size of Site:** 33,750 square feet (0.77 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** Off-street parking lot on the south, a wireless communications tower and fenced equipment compound, vacant open space, and a two-story single-family dwelling.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family dwellings.
 - South* – "C-1", Use is off-street parking lot.
 - East* – "R1-60" Uses are single-family dwellings.
 - West* – "R1-60", Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is in a transition area between the residential neighborhood to the north and the Drake University campus to the south.
7. **Applicable Recognized Neighborhood(s):** Drake Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.

- 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 §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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** There are four mature trees on the subject property. Their location appears to interfere with the general layout of the parking lot because they are located in the drive aisle areas. Staff will review whether any of these trees can be preserved through altering the layout or adding tree islands during site plan review.
- 2. Drainage/Grading:** The conceptual schematic indicates surface detention on the northeast corner of the subject property. The nearest available storm sewer is an intake located in 29th Street at Clark Avenue to the north. Any site plan for development of off-street parking lot areas will be required to conform to the grading permit/soil erosion protection review and storm water management requirements of the Permit and Development Center.
- 3. Landscaping & Buffering:** The submitted schematic shows the concept for compliance with the Des Moines Landscape standards. Three-foot high screens will be required along both the alley and 29th Street where the parking is across from residential use. Bufferyard requirements are applicable along the north property line.
- 4. Access or Parking:** The submitted schematic indicates that all access to the expanded off-street parking lot will come through the drive entrances to the existing lot, with no other egress onto adjoining streets or alleys. Staff believes that this will further protect the surrounding residential area by not increasing the number of access points further in the neighborhood.
- 5. 2020 Community Character Plan:** In order to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan the applicant has also requested amendment to the future land use designation from Low Density Residential to Public/Semi-Public to match up with the designation on adjoining campus property. Staff believes that this is acceptable as long as restrictions are placed on the use to only allow "R-3" District uses; communication towers and antennas; and off-street parking lot as the only permitted uses. This would allow for all the customary uses related to a university function.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern: Moved approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Public/Semi-Public.

Motion passed 13-0-1 (Marc Wallace abstained).

Kent Sovern: Moved approval of the requested rezoning subject to the applicant agreeing to the following conditions:

1. The only uses allowed are those permitted in the "R-3" District, communication tower and antennas; and off-street parking lot.
2. No access for off-street parking into any adjoining "R" District.
3. Compliance with all site plan requirements for landscaping, tree protection/mitigation, grading/soil erosion control and storm water management.

Motion passed 13-0-1 (Marc Wallace abstained).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP
Planning Administrator

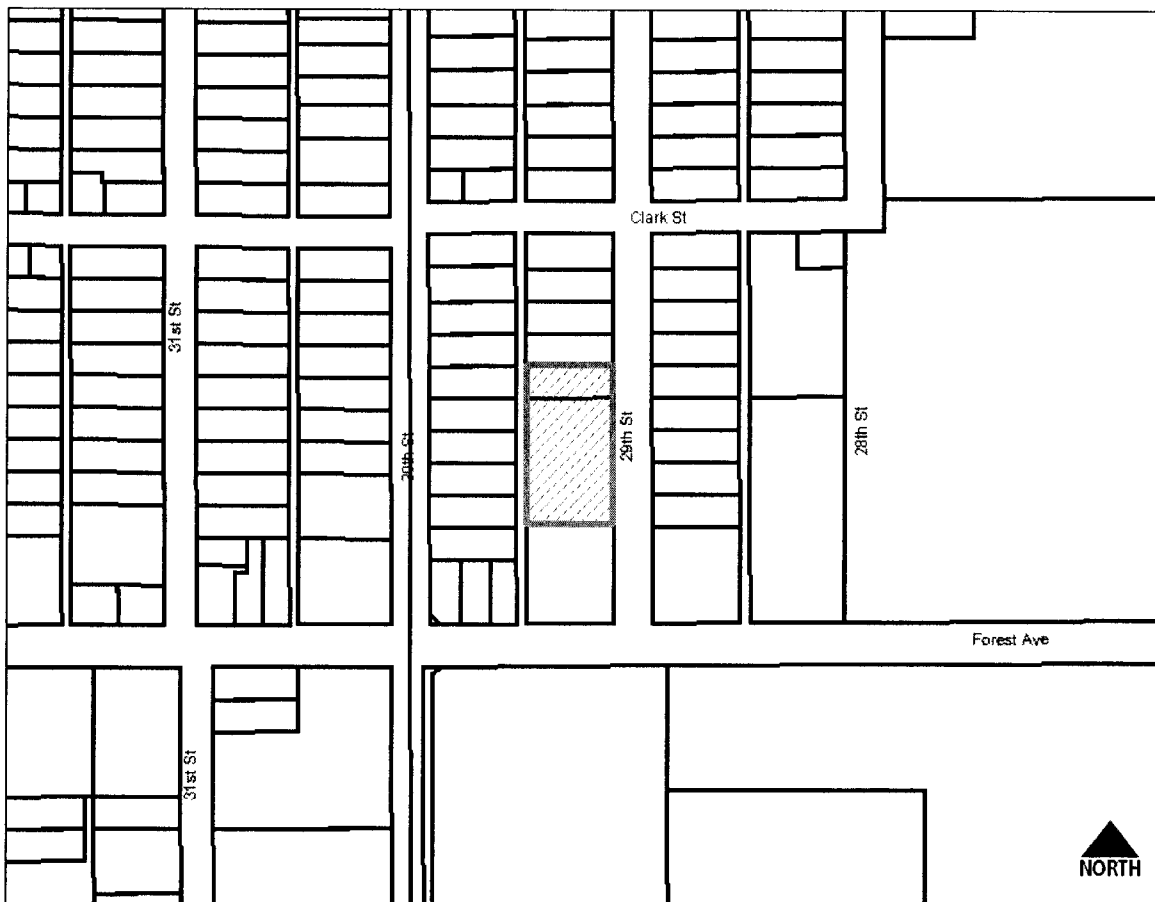
MGL:dfa

Attachment

Request from Drake University (owner) represented by Victoria Payseur (officer) for rezoning of property located at 1428 29 th Street and 2901 Forest Avenue.			File #	
			ZON2008-00028	
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow use of the property for expansion of freestanding off-street parking.			
2020 Community Character Plan	Low-Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	Limited "C-1" Neighborhood Retail Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	0	0	<20%
Plan and Zoning Commission Action	Approval	13-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

Drake University Parking Lot - 1428 29th Street

ZON2008-00028



Item ZON 2008-00028 Date 3/24/08

I (am) (am not) in favor of the request.

(Circle One)
RECEIVED

MAR 27 2008

**COMMUNITY DEVELOPMENT
DEPARTMENT**

NEBRASKA BOOK Co. DBA
Univest
Books

Print Name Mark Oppegard

Signature Mark Oppegard

Address 4700 S. 19th St.

Lincoln, NE.

Reason for opposing or approving this request may be listed below:
