

★ **Roll Call Number**

Agenda Item Number

*61A*

Date April 21, 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) 3013 University Avenue, represented by Victoria Payseur to vacate and convey the north/south alley from University Avenue to relocated 30th Street between vacated 30<sup>th</sup> Street and relocated 30<sup>th</sup> Street, subject to provision of utility easements for all public utilities now in place.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney

(11-2008-1.04)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

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

April 21, 2008

61A

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) 3013 University Avenue, represented by Victoria Payseur to vacate and convey the north/south alley from University Avenue to relocated 30th Street between vacated 30<sup>th</sup> Street and relocated 30<sup>th</sup> Street, subject to provision of utility easements for all public utilities now in place. (11-2008-1.04)

Written Responses

0 In Favor  
0 In Opposition

**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:



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

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 29<sup>th</sup> 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 29<sup>th</sup> 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 written in a cursive, flowing style.

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment