

★ **Roll Call Number**

✓
Agenda Item Number

58

.....
Date..... May 7, 2007

WHEREAS, on April 23, 2007, by Roll Call No. 07-753, it was duly resolved by the City Council that the City initiated proposal to rezone certain property the City is purchasing for use by the Police Department in partnership with the community for the operation of the Eastside Boxing Club in the vicinity of 2025 E. Grand Avenue, more fully described below, be set down for hearing on May 7, 2007, 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 April 26, 2007, 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:

Lots 6 through 10, Block 23, Sunnyside Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (the "Property").

from the "C-1" Neighborhood Retail Commercial District and the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by the City as the purchaser of the property, to be effective upon the City taking title to the property:

- A. Only the following uses of structures or land shall be permitted upon the Property:
 - 1. Any use as permitted in and as limited in the "C-1" Neighborhood Retail Commercial District.
 - 2. Physical culture and health establishments, including but not limited to a boxing club.

- B. A 25 foot rear and side yard setback shall be maintained between any building upon the Property used for a commercial use and any "R" District boundary.

(continued)

★ **Roll Call Number**

Agenda Item Number

58

Date..... May 7, 2007

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-2" General Retail and Highway Oriented 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
Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\2025 Grand.doc

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.

City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

Date _____

May 7, 2007

Agenda Item 58

Roll Call # _____

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 May 3, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 EAST FIRST STREET
 DES MOINES, IOWA 50309-1881
 (515) 283-4182

ALL-AMERICA CITY 1949, 1976, 1981

APPROVAL of a City Initiated request to rezone property located at 2025 East Grand Avenue from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow reuse of the property for the Eastside Boxing Club to be operated by the Des Moines Police Department in partnership with the community subject to the following conditions:

(ZON2007-00052)

1. Only uses permitted are those which are permitted and as limited in the "C-1" Neighborhood Retail Commercial District and Physical Culture and Health Establishment.
2. A 25' setback should be maintained from any building used for commercial use and any "R" District Boundary.

Written Responses

3 In Favor
 1 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

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

1. Only uses permitted are those which are permitted and as limited in the "C-1" Neighborhood Retail Commercial District and Physical Culture and Health Establishment.
2. A 25' setback should be maintained from any building used for commercial use and any "R" District Boundary.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** On March 26, 2007 the City Council authorized the voluntary acquisition of the subject property for reuse by the Des Moines' Police Department in a joint program with Urban Dreams for the East Side Boxing Club. Private funding has been made available to expand the existing program to maintain a location on the East side of the City. The proposed use is considered a physical culture and health establishment and requires "C-2" zoning at a minimum.
2. **Size of Site:** 28,399 square feet (0.65 acres)
3. **Existing Zoning (site):** C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The subject property was originally developed as a gas/convenience store but has most recently been the location for the offices of an interior contractor.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family dwellings and office building.
 - South* – "R1-60", Uses are single-family dwellings.
 - East* – "R1-60", Use is a single-family dwelling.
 - West* – "M-1", Use is a commercial laundry.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the east edge of the commercial/industrial complex along the railroad where it transitions to a low density single-family residential neighborhood.
7. **Applicable Recognized Neighborhood(s):** Fairground Neighbors for Community Improvement.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial and 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. Drainage/Grading:** There are no proposed site alterations. Any future expansion or grading would be required to comply with Site Plan review standards.
- 2. Landscaping & Buffering:** To protect adjoining residential use, development of any additional off-street parking area is subject to buffer yard requirements contained in the Des Moines' Landscape standards during a Site Plan review.
- 3. Access or Parking:** The existing paved off-street parking will be remarked and reused to serve the proposed boxing club. There are currently graveled portions of the site remaining from the removal of underground tanks. These areas were never repaved to allow for off-street parking and should be restored to open space or physically blocked from access by vehicles from the paved parking areas. This will help prevent illegal parking on the graveled surfaces.
- 4. Des Moines' 2020 Community Character Plan:** This property is on the transition between the General Industrial and Low Density Residential future land use designations in the Comprehensive Plan. Since the existing commercial development is contiguous to the commercial industrial complex, staff believes that the proposed rezoning is a minimal expansion of that area and would conform to the Des Moines' 2020 Community Character Land Use. Staff further believes that it would not be appropriate to amend the Plan to designate an isolated segment for future commercial use.

However, to ensure that the use intensity does not increase from the existing commercial use of the property, staff recommends that the only "C-2" use permitted be the Boxing Club. Also staff recommends that no commercial building be allowed to be built within 25' of an "R" District boundary to ensure protection of the surrounding residential neighborhood.

SUMMARY OF DISCUSSION

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

Fran Koontz: Moved to approve the rezoning subject to the following conditions:

1. Only uses permitted are those which are permitted and as limited in the "C-1" Neighborhood Retail Commercial District and Physical Culture and Health Establishment.
2. A 25' setback should be maintained from any building used for commercial use and any "R" District Boundary.

Motion approved 14-0.

Respectfully submitted,


Erik Lundy, AICP
Senior Planner

EML:dfa

Attachment