

Date June 23, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2008, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Des Moines Medical Center, Inc. (owner) represented by Ronald Muecke (officer) to rezone property located at 1057 5th Avenue from "C-O" Commercial Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow for redevelopment of the property with medical offices having a commercial architectural character, subject to the owner of the property agreeing to the following conditions:

1. The property may only be used for the following:
 - a) Any use as permitted in the "C-0" Commercial-Residential District; or
 - b) Medical clinics, medical offices, or other ancillary uses that are customary to the support of a regional hospital medical center
2. Architectural character for any building constructed shall be compatible with the surrounding institutional buildings as determined by the Planning Director.

The subject property is more specifically described as follows:

Lot 4, Blk D, River Hills Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 July 14, 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.

MOVED by _____ to adopt.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(ZON2008-00075)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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.

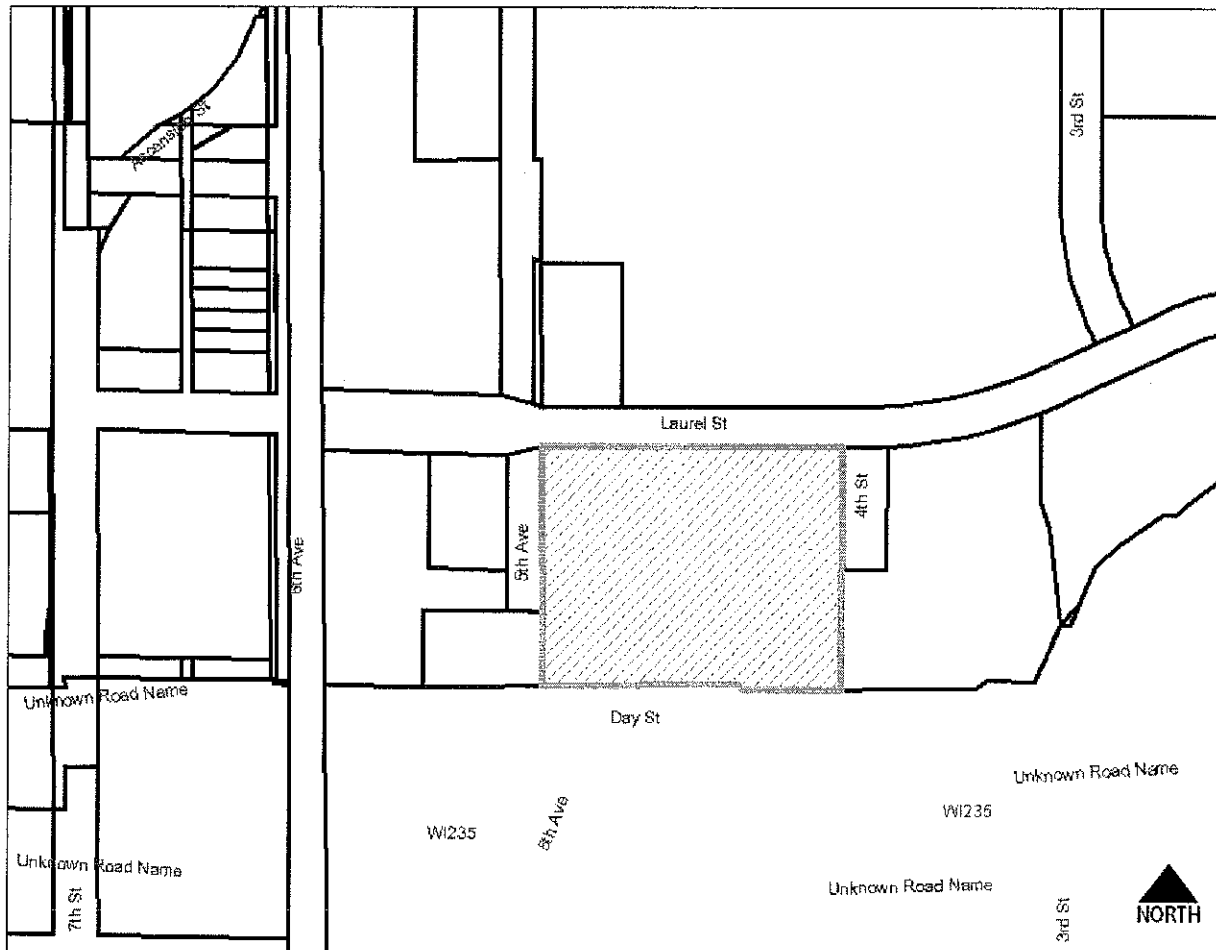
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

Request from Des Moines Medical Center, Inc. (owner) represented by Ronald Muecke (officer) to rezone property located at 1057 5 th Avenue			File #		
			ZON2008-00075		
Description of Action	Rezone property from "C-O" Commercial Residential District to "C-1" Neighborhood Retail Commercial District, to allow for redevelopment of the property with medical offices having a commercial architectural character.				
2020 Community Character Plan	Public/Semi-Public				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-O" Commercial Residential District				
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	0	0	<20%	
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Des Moines Medical Center Inc. - 1057 5th Avenue

ZON2008-00075



June 23, 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 June 5, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 Des Moines Medical Center, Inc. (owner) represented by Ronald Muecke (officer) to rezone property located at 1057 5th Avenue from "C-0" Commercial Residential District to "C-1" Neighborhood Retail Commercial District, to allow for redevelopment of the property with medical offices having a commercial architectural character, subject to the owner of the property agreeing to the following conditions: (ZON2008-00075)

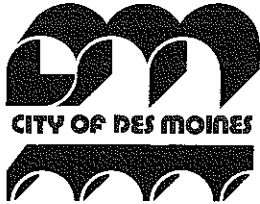
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Written Responses

0 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 a limited form of the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning subject to the owner of the property agreeing to the following conditions

1. The property may only be used for the following:
 - a) Any use as permitted in the "C-0" Commercial-Residential District; or
 - b) Medical clinics, medical offices, or other ancillary uses that are customary to the support of a regional hospital medical center
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STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to lease property to Iowa Orthopedic Clinic for development of a 30,000 square feet clinic and medical office complex.
2. **Size of Site:** 3.57 acres.
3. **Existing Zoning (site):** C-O" Commercial Residential District. "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant land. The subject property previously contained approximately 52,000 square feet of medical offices and clinics within three separate buildings that were demolished within the past two years.
5. **Adjacent Land Use and Zoning:**
 - North* – "PUD", Use is the Mercy Hospital campus central hospital complex.
 - South* – "C-0", Use is Interstate 235.
 - East* – "C-0", Uses are medical offices.
 - West* – "C-2", Uses are Iowa Dental Supply, Des Moines Otolaryngology Associates, and Mercy medical offices.
6. **General Neighborhood/Area Land Uses:** The subject property is located within the Mercy Medical Center campus north of downtown between the I-235 freeway and University Avenue west of the Des Moines River.
7. **Applicable Recognized Neighborhood(s):** Cheatom Park Neighborhood.
8. **Relevant Zoning History:** N/A.
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 §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:** The developer will be required to meet all storm water management policies of the City to include compliance with more recent provisions for post construction run-off. This will involve detaining or keeping stormwater on the subject property from more frequent rain events that have a lesser volume. The higher volume less frequent events will be handled by a private storm sewer that outlets directly to Des Moines River as quickly as possible.
2. Because the affected site will be in excess of an acre, the developer will also be responsible for preparing a Storm Water Pollution Protection Plan (SWPPP) for review by the Iowa Department of Natural Resources. After review this plan must be filed with the Permit and Development Center Engineering staff. A grading permit and soil erosion protection plan must also be approved by that office prior to construction.
3. **Landscaping & Buffering:** The developer will be responsible for compliance with all of the minimum requirements in the Des Moines Landscape Standards. This will primarily consist of minimum 20% open space and plantings along with parking lot perimeter landscaping and berming or screening.
4. **Traffic/Street System:** Related to development of the site, Mercy Hospital has initiated a request to Iowa DOT and the Federal Highway Administration (FHWA) to extend 5th Avenue to the freeway interchange at Day Street from Laurel Street. There is currently a three-way signalized intersection where 5th Avenue would connect from the north to put it through to Downtown. This would better facilitate traffic leaving the southern part of the Mercy campus to go westbound on I-235 or south into Downtown.

City Traffic Engineering staff are supportive of the initiative.

5. **Access or Parking:** The developer is proposing two driveway access points to the north from Laurel Street and one future access drive to the west to 5th Avenue in the event it becomes extended. Because of the significant difference in grade with adjoining medical offices property to the east, it is not feasible to provide a cross access drive to the east.
6. **2020 Community Character Plan:** Development of the property for medical services in support of the main hospital as part of the Mercy campus is consistent with the Public/Semi-Public future land use designation. However, the "C-1" District allows several uses that would not be consistent with this designation. Therefore staff recommends rezoning to a limited form of "C-1" zoning that would permit all "C-0" uses and medical clinics, medical offices or other ancillary uses customary to the support of a regional hospital medical center. Staff believes that this would be consistent with the Public/Semi-Public designation.
7. **Urban Design:** The current "C-0" Zoning of the property carries the special limitation that all new construction shall by means of external treatment appear to be residential in character. The design of the office building constructed recently to the east incorporated several residential character elements to comply with this limitation.

While a conceptual design was not submitted with the application, the developers of the proposed complex have indicated plans to design the building with a commercial character

that is more complimentary to the main hospital complex. This is a primary reason for the request to the change of Zoning. The applicant did not believe they had a solid justification under the necessary criteria for requesting a Variance to this provision under the current Zoning.

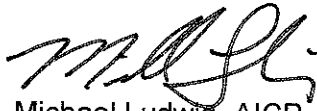
Staff believes that if the design is not residential in character than it needs to have an architectural compatibility with other surrounding institutional structures as condition of the rezoning.

SUMMARY OF DISCUSSION

Kent Sovern: Moved to approve the requested rezoning subject to the owner of the property agreeing to conditions.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment