

.....
Date July 14, 2008

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

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

WHEREAS, on May 23, 2008 by Roll Call No. 08-1100 it was duly resolved by the City Council, that the application for rezoning as described above be set down for hearing on June 14, 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 Registered on July 3, 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 the notice, those interested in the proposed rezoning, for and against, have been given the opportunity to be heard and have presented their views to the City Council.

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

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the proposed rezoning are hereby overruled and the hearing is closed.

★ **Roll Call Number**

Agenda Item Number

64

Date July 14, 2008

2. That the proposed rezoning is hereby found to conform to the Des Moines 2020 Community Character Land use Plan, subject to the conditions set forth above.

3. The proposed rezoning for property described above, from from "C-O" Commercial Residential District to "C-1" Neighborhood Retail Commercial District is hereby approved, subject to the conditions set forth above and as set forth in the attached letter from the Planning Administrator.

Moved by _____ to adopt

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

G:\USERS\CRNoah\MFK\Rezoning\Muecke - closing hearing rc.doc

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

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)

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.

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
2. Architectural character for any building constructed shall be compatible with the surrounding institutional buildings as determined by the Planning Director.

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