

Date July 26, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 15, 2010, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner) to rezone property located in the vicinity of 1555 Des Moines Street, from "R1-60" One-Family Low-Density Residential District to "Limited NPC" Neighborhood Pedestrian Commercial District, to allow construction of an off-street parking lot with approximately 28 parking spaces to serve the existing commercial center fronting East Grand Avenue subject to the following:

1. Permitted uses shall be limited to those allowed in the "C-1" District except the following uses which are specifically prohibited:
  - a. Package goods liquor stores,
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
  - c. Pawn shops,
  - d. Bakeries,
  - e. Restaurants,
  - f. Delicatessens,
  - g. Gas stations,
  - h. Grocery stores,
  - i. Launderettes and coin-operated dry cleaning establishments,
  - j. Locker plants,
  - k. Automotive accessory and parts stores, and
  - l. Upholstery shops
2. Any parking lot constructed on the Property shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
3. Any site development of the Property shall require the owner to legally combine all parcels being developed.
4. Any parking lot constructed on the Property shall be in accordance with the "C-2" Landscape Standards.

The subject property is more specifically described as follows:

(Except West 25 feet, North 90 feet) Lot 16, all Lot 15, in Block 46, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

( continued )

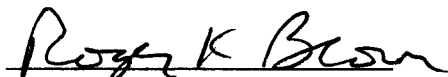
Date July 26, 2010

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 August 9, 2010, 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:

  
 Roger K. Brown  
 Assistant City Attorney

(ZON2010-00101)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

Date July 26, 2010

Agenda Item 25

Roll Call # \_\_\_\_\_

July 21, 2010

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 July 15, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Joel Huston	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones				X
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of a finding that the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Joel Huston	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones				X
Jim Martin	X			
Brian Millard	X			
William Page	X			



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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of the request to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center; and rezoning of the property to a Limited “NPC” Neighborhood Pedestrian Commercial District subject to the owner agreeing to the following conditions: ZON2010-00101

1. Permitted uses shall be limited to those allowed in the “C-1” District except:
  - a. Package goods liquor stores,
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
  - c. Pawn shops,
  - d. Bakeries,
  - e. Restaurants,
  - f. Delicatessens,
  - g. Gas stations,
  - h. Grocery stores,
  - i. Launderettes and coin-operated dry cleaning establishments,
  - j. Locker plants,
  - k. Automotive accessory and parts stores, and
  - l. Upholstery shops
2. Any parking lot constructed shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
3. Any site development shall require the owner to legally combine all parcels being developed.
4. Any parking lot constructed shall be in accordance with the “C-2” Landscape Standards.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested rezoning be found 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 future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center.

Part C) Staff recommends approval of an alternative rezoning to a Limited "NPC" District subject to the owner agreeing to the following conditions:

1. Permitted uses shall be limited to those allowed in the "C-1" District except:
  - a. Package goods liquor stores,
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
  - c. Pawn shops,
  - d. Bakeries,
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4. Any parking lot constructed shall be in accordance with the "C-2" Landscape Standards.

Written Responses

6 In Favor

0 In Opposition

**STAFF REPORT**

**I. GENERAL INFORMATION**

**1. Purpose of Request:** The applicant is seeking to construct an off-street parking lot with approximately 30 parking spaces to serve existing commercial centers fronting East Grand Avenue. The appellant would demolish and remove an existing single-family dwelling and a detached garage and combine parcels located at 514 East 16th Street and 1555 Des Moines Street into a single parcel.

**2. Size of Site:** 12,750 square feet.

**3. Existing Zoning (site):** R1-60" One-Family Low-Density Residential District.

**4. Existing Land Use (site):** Vacant Land and single-family dwelling.

**5. Adjacent Land Use and Zoning:**

*North* – "R1-60", Uses include Des Moines Street right-of-way and single-family dwellings.

*South* – "NPC", Use is a commercial center.

*East* – "R1-60", Uses include East 16th Street right-of-way and single-family dwellings.

*West* – "R1-60", Uses are single-family dwellings.

**6. General Neighborhood/Area Land Uses:** The subject property is located at the southwest corner of the intersection of Des Moines Street and East 16th Street within the predominantly low density residential area known as the Capitol East Neighborhood. This area consists mostly of single-family dwellings but also has scattered commercial uses.

**7. Applicable Recognized Neighborhood(s):** Capitol East Neighborhood.

**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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## **I. ADDITIONAL APPLICABLE INFORMATION**

- 1. Staff Rationale:** Staff believes that the appellant's request to rezone the property from "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District for the development of the parking area is not within character of the neighborhood. Staff believes a consistency should be kept in regards to the current zoning within the area. Therefore, staff recommends an alternative rezoning to a Limited "NPC" Neighborhood Pedestrian Commercial District subject to a limited number of "C-1" District uses.

The calculated average front yard setback for properties fronting Des Moines Street within 200 feet of the subject property is 16 feet. The property adjacent to the west has a front yard setback of 11 feet. Staff recommends that no parking stalls shall encroach into this calculated minimum required front yard setback along Des Moines Street.

- 2. Natural Site Features:** The subject property contains mature trees in the southwest corner. Any site development for parking improvements that remove mature trees will require compliance with tree protection and mitigation standards in accordance with Chapter 42, Article X of the City Code.
- 3. Drainage/Grading:** Future development of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review. Within the "NPC" Districts, the allowable storm water run-off rate is equal to that of a 5-year return frequency storm on the site considering existing development. The requested "C-1" District would not recognize existing development for allowable run-off. Temporary storm water storage must be provided for the difference between the allowable run-off and the run-off from a 100-year frequency storm on the site after the proposed development takes place. Developers are advised to consider use of alternative or low impact design methods for storm water management.
- 4. Landscaping & Buffering:** Development of the property will require site landscaping and buffering for the adjoining properties. The "NPC" District is not specifically referenced in the Des Moines Landscaping Standards. The "NPC" District Design Guidelines state that an emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area. The landscape plan should generally enhance the visual appearance of the parking area. However, staff recommends that landscaping similar to "C-2" District standards be considered as a baseline with regard to parking lot areas. Staff would recommend a minimum 7-foot setback from the street right-of-way property lines on the east along East 16th Street to accomplish this standard at the site plan state. Staff also recommends a 10-foot setback of parking from the west lot line.
- 5. Parking:** The concept provided by the applicant indicates development of approximately 30 spaces north of the commercial centers. The proposed off-street parking improvements are subject to Site Plan review by the Plan and Zoning Commission under design guidelines within "NPC" Districts.

The "NPC" design guidelines allow for the number of off-street parking spaces to be reduced to 60% of the minimum requirement and gives credit for available on-street

parking stalls on the street side adjoining the subject property. In this instance on-street parking is not allowed on the west side of East 16th Street and the south side of Des Moines Street.

There is limited opportunity for shared parking with any neighboring uses. The existing commercial center uses would typically require a minimum total of 117 spaces. However, only 76 spaces were provided under the "NPC" design guidelines. With 106 spaces to be provided, the proposed site development will comply with the NPC guidelines.

- 6. 2020 Community Character Plan:** In order to find the requested rezoning in conformance with the comprehensive plan, the future land use designation must be amended from Low Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center. The 2020 Community Character Plan defines this designation as "Small-to-moderate commercial serving adjacent neighborhood and specialty retail/services. Cumulative building total of 75,000 to 100,000 square feet."

The area surrounding the subject property primarily consists of single-family residential dwellings with a scattering of commercial uses. The proposed amendment to the land use designation is appropriate given the fact that the proposed parking area would be adjacent to the existing commercial uses and existing "NPC" District it intends to serve.

The "NPC" District allows for both commercial and residential uses. Staff believes some commercial uses allowed in "NPC" would not be appropriate at this location. Therefore, staff recommends a Limited "NPC" District subject to "C-1" District uses except package goods liquor stores, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, pawn shops, bakeries, restaurants, delicatessens, gas stations, grocery stores, laundrettes and coin-operated dry cleaning establishments, locker plants, automotive accessory and parts stores, and upholstery shops.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.

Leisha Barcus asked how many parking spaces they can get on this property with the recommended setbacks.

Erik Lundy stated they can get 28 parking spaces on this property with the recommended setbacks.

Steve Renard, Bishop Engineering 3501 104<sup>th</sup> Street, Urbandale stated he is representing Neighborhood Development and the reason they applied for C-1 was to maximize the parking space on the site. The applicant is in agreement with staff recommendation for Limited NPC zoning.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of applicant's request.*



## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION**

Leisha Barcus moved staff recommendation that the requested rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan.

Motion passed 12-0.


Leisha Barcus moved staff recommendation to approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center; and to approve an alternative rezoning to a Limited "NPC" District subject to the owner agreeing to the following conditions:

1. Permitted uses shall be limited to those allowed in the "C-1" District except:
  - a. Package goods liquor stores,
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
  - c. Pawn shops,
  - d. Bakeries,
  - e. Restaurants,
  - f. Delicatessens,
  - g. Gas stations,
  - h. Grocery stores,
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3. Any site development shall require the owner to legally combine all parcels being developed.
4. Any parking lot constructed shall be in accordance with the "C-2" Landscape Standards.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Request from Neighborhood Development Corporation (owner), represented by Heidi Wessels (officer), to rezone property in vicinity of 1555 Des Moines Street:		<b>File #</b>		
		ZON2010-00101		
<b>Description of Action</b>	Rezone property from "R1-60" One-Family Low-Density Residential District to "Limited NPC" Neighborhood Pedestrian Commercial District, to allow construction of an off-street parking lot with approximately 28 parking spaces to serve the existing commercial center fronting East Grand Avenue.			
<b>2020 Community Character Plan</b>	Existing: Low-Density Residential Proposed: Commercial: Pedestrian-Oriented Neighborhood Commercial Center			
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District			
<b>Proposed Zoning District</b>	"Limited NPC" Neighborhood Pedestrian Commercial District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	6	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Neighborhood Dev. Corp. - 1555 Des Moines St & 514 E 16th St      ZON2010-00101



Item 2010 00101 Date 7/10/10

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

(Circle One)

Print Name Bank Iowa

Signature [Handwritten Signature] -SVP

Address 1150 Jordan Creek Parkway,  
West Des Moines, IA 50266

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

Comments of:

- 1507 Des Moines St
- 1534 Des Moines St
- 1540 Des Moines St

Item 2010 00101 Date 7-7-10

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

(Circle One)

Print Name PAT De CARLO

Signature [Handwritten Signature]

Address 620 E 16

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

- 
- 
- 
- 

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 14 2010  
DEPARTMENT

Item 2010 00101 Date 7-8-10

25

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

(Circle One)

Print Name Mike Jennings - Duke of Oil

Signature [Handwritten Signature]

Address 1553 E Grand Ave

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 14 2010  
DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2010 00101 Date 7/6/2010

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

(Circle One)

Print Name Haidi Wessels

Signature [Handwritten Signature]

Address NDC-210 Des Moines Street

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 06 2010  
DEPARTMENT

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

owner of  
~~1552 E~~  
Grand  
and La Plaza  
development

SUBJECT PROPERTY & ADDITIONAL  
CONCEPTS WITHIN 250'

Item 2010 00101 Date 07-06-10

25

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

(Circle One)

Print Name Sheryljan Hedlund

Signature Sheryljan Hedlund

Address 1601 DMST. Title holder  
OF CONTRACT OWN 1761 DM ST.

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

Anything that improves the  
neighborhood I am for.

Item 2010 00101 Date 7/6/10

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

(Circle One)

Print Name MICHAEL L. KLEMENS

Signature [Signature]

Address 4400 NOGALES DR  
IRVING, TX 75038

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

Nothing change REFLECTS DIRECTION  
NEIGHBORHOOD

RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT  
JUL 1 2010

PROPERTY ADDRESS  
1547 E. GRAND AVE  
DES MOINES, IA 50316

Neighborhood Dev. Corp. - 1555 Des Moines St & 514 E 16th St ZON2010-00101

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