

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 11-0 in support of a motion to recommend **APPROVAL** of a request from Freedom For Youth Ministries (owner) to rezone property located in the vicinity of 2301 Hickman Road, from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions:

1. Any structures shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.
2. Mitigation of any tree removals in accordance with Chapter 42, Article X of the City Code.
3. If mitigation plantings are required staff will work with the applicant to provide "C-2" landscaping along Hickman Road.
4. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
5. Combine all owned commercially zoned parcels into a common parcel and all contiguous owned residentially zoned parcels into a common parcel.
6. The following uses of structures and land shall be prohibited upon the Property:
 - a) Delayed Deposit Services;
 - b) Pawn brokerages;
 - c) Bakeries;
 - d) Restaurants;
 - e) Delicatessens;
 - f) Gas stations;
 - g) Grocery stores;
 - h) Launderettes and coin-operated dry cleaning establishments;
 - i) Locker plants;
 - j) Automotive accessory and parts stores;
 - k) Upholstery shops; and
 - l) Package goods stores for the sale of alcoholic beverages.
7. Any Site Plan for development of the property must be reviewed by the Plan & Zoning Commission.

(continued)

Date.....

July 26, 2010

-2-

The subject property is more specifically described as follows:

(Except West 222.5 feet), South 180 feet. North 400 feet, Lot 25, Murray Hill, an Official Plat, and also Beginning Southwest Corner, thence North 411.3 feet, East 219.34 feet, South 198 feet, Southwest 188.08 feet, Westerly to Point of Beginning, Lot 22, Official Plat, East 1/2, Northwest 1/4 & Southwest 1/4 Southeast 1/4 & Government Lots 3, 4, 5 & 6, Section 28, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, a portion of Lot 22 in the Official Plat of the East 1/2 of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 and Government Lots 3, 4, 5 and 6, Section 28, Township 79 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa is described as follows; Commencing at the South 1/4 Corner of said Section 28; Thence North 0 degrees, 0 minutes 0 seconds East along the West line of the Southeast 1/4 of said Section 28, 237.6 feet to the Southwest Corner of said Lot 22 and to the Point of Beginning; Thence continuing North 0 degrees 0 minutes 0 seconds East along the West line of the Southeast 1/4 of said Section 28, said line being the West Line of said Lot 22, 749.7 feet to the Northwest Corner of said Lot 22; Thence South 89 degrees 42 minutes 15 seconds East along the North Line of said Lot 22, 219.34 feet; Thence South 0 degrees 27 minutes 30 seconds West, 538.22 feet; Thence South 15 degrees 36 minutes 34 seconds West, 188.08 feet to a point on the Southerly line of said Lot 22; Thence South 79 degrees 55 minutes 30 seconds West along the Southerly line of said Lot 22, 167.02 feet to the Point of Beginning.

AND, a portion of Lot 1 and a portion of the 8.0 foot wide North-South alley lying West of and adjacent to said Lot 1, all in Fountain Place, an Official Plat and a portion of vacated D.W. Hickman Road later known as Holcomb Avenue in Lot 24 in the Official Plat or Subdivision of Official Plat of Lot 21, Southwest 1/4 of the Southeast 1/4 of Section 28, Township 79 North, Range 24 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa and all of which is more accurately described as follows; Commencing at the South 1/4 corner of said Section 28, said point being on the West line of said Fountain Place: Thence North 0 degrees 0 minutes 0 seconds East along the West line of said Fountain Place, 172.0 feet to the West extension of the South line of Lot 1 in said Fountain Place and to the Point of Beginning; Thence continuing North 0 degrees 0 minutes 0 seconds East along the West line of said Fountain Place and along the West line of Lot 24 in the Official Plat or Subdivision of Official Plat of Lot 21, Southwest 1/4 of the Southeast 1/4 of Section 28, Township 79 North, Range 24 West of the 5th P.M., 65,6 feet to the Northwest Corner of said Lot 24; Thence North 79 degrees 55 minutes 30 seconds East along the Northerly Line of said Lot 24, 93.7 feet; Thence South 48 degrees 22 minutes 15 seconds West, 123.42 feet to the Point of Beginning.

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

(continued)

Date

July 26, 2010

-3-

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

(ZON2010-00102)

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 26
 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 11-0 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's future land use designation of Low-Density Residential.

By separate motion Commissioners recommended 11-0 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			



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>
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential District to Commercial: Auto-Oriented, Small-Scale Strip Development; and rezoning of the property to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions: ZON2010-00102

1. Any structures shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.
2. Mitigation of any tree removals in accordance with Chapter 42, Article X of the City Code.
3. If mitigation plantings are required staff will work with the applicant to provide "C-2" landscaping along Hickman Road.
4. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
5. Combine all owned commercially zoned parcels into a common parcel and all contiguous owned residentially zoned parcels into a common parcel.
6. Prohibit the use of the property for the following uses:
 - a) Delayed Deposit Services;
 - b) Pawn brokerages;
 - c) Bakeries;
 - d) Restaurants;
 - e) Delicatessens;
 - f) Gas stations;
 - g) Grocery stores;
 - h) Laundrettes and coin-operated dry cleaning establishments;
 - i) Locker plants;
 - j) Automotive accessory and parts stores;
 - k) Upholstery shops; and
 - l) Package goods stores for the sale of alcoholic beverages.
7. Any Site Plan for development of the property must be reviewed by the Plan & Zoning Commission.

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's future land use designation of Low-Density Residential.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential District to Commercial: Auto-Oriented, Small-Scale Strip Development.

Part B) Staff recommends approval of the rezoning to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions:

1. Any structures shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.
2. Mitigation of any tree removals in accordance with Chapter 42, Article X of the City Code.
3. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
4. Combine all owned commercially zoned parcels into a common parcel and all contiguous owned residentially zoned parcels into a common parcel.
5. Prohibit the use of the property for the following uses:
 - a) Delayed Deposit Services;
 - b) Pawn brokerages;
 - c) Bakeries;
 - d) Restaurants;
 - e) Delicatessens;
 - f) Gas stations;
 - g) Grocery stores;
 - h) Launderettes and coin-operated dry cleaning establishments;
 - i) Locker plants;
 - j) Automotive accessory and parts stores;
 - k) Upholstery shops; and
 - l) Package goods stores for the sale of alcoholic beverages.

Written Responses

0 In Favor

1 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to allow development of a children's center for after school programming as part of the Freedom For Youth campus. Freedom For Youth is a ministry providing an intervention curriculum for at-risk children and youth ages 6-17. Services currently provided include meals, tutoring for elementary aged children through a program called "Whiz Kidz", and vocational and life skills development through classes for middle school and high school aged youth which is a program called "Freedom Quest".

An additional program called "Shalom Zone" for elementary aged children, currently operated by another entity at a nearby location, is looking to close its doors. The applicant is proposing to add those children to their "Whiz Kids" program and increase the number of weekday evenings for elementary aged programming. This is driving the need for the proposed facility.

2. **Size of Site:** Area of requested rezoning is 2.22 acres. Overall property owned by the applicant is 6.54 acres.

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

4. **Existing Land Use (site):** The property that is the subject of the rezoning is currently vacant. Additional property owned by the applicant to the north is vacant timbered land. The remaining property to the east owned by the applicant is developed with the current Freedom For Youth campus.

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

North – "R1-60", Uses are vacant land and single-family residential dwellings.

South – "C-2", Uses are a carwash and the Freedom For Youth campus.

East – "C-2", Uses are the Freedom For Youth campus, Amega Garage Doors & Openers, a mixed use 12-unit residential apartment building with ground floor retail and a multi-tenant retail/office strip center.

West – "R-3", Uses are a nursing home and a 16-unit multiple family apartment complex.

6. **General Neighborhood/Area Land Uses:** The subject property is located just west of the commercial node where M.L. King Jr. Parkway and Hickman Road intersect.
7. **Applicable Recognized Neighborhood(s):** Martin-Hickman 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. Natural Resources:** The subject property is significantly timbered and the proposed development will require tree protection measures and mitigation for any removals in accordance with the provisions applicable to Site Plan review in Chapter 42 Article X of the City Code.
- 2. Utilities:** There is an existing 36-inch public sanitary sewer main running through the property between the existing campus and the proposed building site. There is also an abandoned 30-inch sanitary sewer intervening between the public sewer and the proposed site. The developer will need to coordinate with the Wastewater

Reclamation Authority engineering staff in the development of any Site Plan to ensure the abandoned sewer is avoided when connection is made to the public main or other public utilities such as the 12-inch water main in the Hickman Road right-of-way.

- 3. Drainage and Grading:** The Closes Creek drainage way runs north/south through the subject property. Standard stormwater management will not be required for the proposed Site Development due to the proximity to this drainage way. However, the any Site Plan will be required to demonstrate that the 100-year storm runoff will not leave the site at erosive velocities.

Any site and grading involving over an acre will require a Storm Water Pollution Protection Plan in accordance with Iowa DNR requirements. This much site area also requires stormwater management for more frequent storm events to be held for at least 24 hours for water quality purposes. This involves managing approximately 90 percent of the rainfall events in a given year.

All grading will require a grading plan to be filed with the Permit and Development Center to demonstrate compliance with erosion protection as well as tree protection and mitigation requirements.

- 4. Landscaping:** The applicant is required to provide landscaping in accordance with the Des Moines' Landscape Standards, based on the change of occupancy from the previous daycare use.

Based on the proposed schematic, the landscaping requirements will only involve buffer yard plantings and screening on the north along adjoining residentially zoned property. The bufferyard plantings and screening are not required where the property is adjacent to existing off-street parking lots. Open space plantings will be required based on the overall Site Plan area. Mitigation plantings will be required pursuant to Chapter 42 Article X of the City Code.

5. **Parking/Access:** The proposed site schematic indicates additional off-street parking for the proposed development. The applicant proposes access from the existing site through an easement across the car wash site to the south without adding a separate access to Hickman Road. Traffic and Transportation staff has indicated that this is acceptable, with another option being to allow direct access through the car wash site drive entrances.
6. **2020 Community Character Plan:** The requested rezoning requires that the current Des Moines' 2020 Community Character Plan future land use designation be amended from Low-Density Residential to Commercial: Pedestrian-Oriented, Neighborhood Node. This designation is defined in the Plan as small-scale commercial serving primarily the adjacent neighborhood. Staff believes that this amendment would be appropriate given the intent of that designation in the Plan and the existing uses at the intersection of Hickman Road and M. L. King Jr. Parkway.

While the existing Freedom For Youth campus is zoned "C-2" to allow vocational training activity as part of their programs, the proposed Children's Center is seen only as an accessory use and only requires "C-1" District zoning necessary to allow the proposed development as a minor assembly use similar to a Boys and Girls Club.

However, the requested rezoning would allow for some uses that staff believes will not be appropriate for the specific property given proximity to the immediately adjacent residential neighborhood. The uses that staff believes are not compatible due to their intensity and potential negative impacts would include: delayed deposit services businesses, pawn brokerages, bakeries, restaurants, delicatessens, gas stations, grocery stores, launderette and coin-operated dry cleaning establishments, locker plants, automotive accessory and parts stores, upholstery shops, and package goods stores for the sale of alcoholic beverages.

The "C-1" District allows business operations to occur except between the hours of 2:00 a.m. and 6:00 a.m. Staff believes that these hours should be further restricted to prohibit operation between 9:00 p.m. and 6:00 a.m. in order to protect the character of the residential neighborhood to the west and north.

7. **Additional Comments:** In reviewing the requested rezoning, staff noted that there are multiple tax parcels in common ownership by the applicant. Staff believes that the parcels comprising the commercially zoned campus should be combined into a common parcel. The remaining properties to the north that are to remain residentially zoned should be combined with the transitional housing facility property on Bennett Avenue. This will ensure that land-locked parcels will not be sold to separate owners in the future. A plat review would be required before dividing off property for sale.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Brian Millard asked if any mitigation plantings could be placed along Hickman Road.

Erik Lundy stated that could be one opportunity to mitigate.

Mark Nelson Executive Director for Freedom for Youth Ministries 2301 Hickman Road stated that they work with over 100 at risk children and teenagers. They work with Monroe Elementary. They are making impact with connecting the children with a caring adult that helps with their homework or reads with them. By allowing them to build the children center they will increase their capacity of working with the elementary children from 50 to over 200 in a week. Catching these children early will benefit this community. They have seen a decrease in vandalism and decrease in kids on the street.

Brian Millard asked if the applicant was in agreement with staff recommendations and would they consider placement of any mitigation of trees along Hickman Road.

Mark Nelson stated they are in agreement and would consider the mitigation of plantings in front of their existing property.

Leisha Barcus asked about the hours of operation.

Mark Nelson stated that they are not open late and would not have any overnight activity, as this is strictly after school. The teenagers are there until 7:00 p.m. and the elementary age program goes from after school to about 6:30 p.m.

CHAIRPERSON OPENED THE PUBLIC HEARING

David Rogers 1310 NW 2nd Ankeny representing his wife Patricia Rogers who is the property manager for the owner Quincy Place LLC stated that he was not opposed but had a few questions. He asked about the building footprint.

Mark Nelson stated they are estimating this building to be about 3500 square feet and one-story tall.

David Rogers stated that right now they have a fair amount of water runoff and did not want to impede that. He applauds the applicant's plan to clean up the land.

JoAnne Corigliano asked about the runoff to the parking lot.

Erik Lundy stated that the applicant is not allowed to impede any flow or if they do they have to reroute it in accordance with City requirements. They will have to comply with the water quality, stormwater management and soil erosion regulations of the Iowa DNR.

CHAIRPERSON CLOSED THE PUBLIC HEARING

JoAnne Corigliano stated she is always worried about a non-permeable surface when it comes to the flow of runoff.

Erik Lundy stated they have to make sure the stormwater is not released at such a rate that would be erosive to the surroundings.

Kent Sovern asked that staff make sure there is not something proposed in the CIP in 8, 10, or 12 years that would impact this construction.

Erik Lundy stated stormwater staff did not indicate there would be anything to interfere with any long range plans and pointed out that there is also a sanitary sewer that goes through and a lot of that area is protected with easements already.

Shirley Daniels stated that an extensive project was done to try to alleviate the problem with the flooding on Hickman and she commends Mr. Riley for trying to do something for young people.

Ted Irvine left the meeting @ 6:35 p.m.

Dann Flaherty offered a friendly amendment to have the Site Plan return to the Plan & Zoning Commission.

Brian Millard also requested that staff work with the applicant if there is mitigation to provide "C-2" landscaping on the front of the parcel along Hickman Road.

JoAnne Corigliano accepted both friendly amendments.

COMMISSION ACTION

JoAnne Corigliano moved Part A) To find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan's future land use designation of Low-Density Residential.

Motion passed 11-0.

JoAnne Corigliano moved Part B) To recommend approval of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential District to Commercial: Auto-Oriented, Small-Scale Strip Development; and Part C) To recommend approval of the requested rezoning to a Limited "C-1" Neighborhood Retail Commercial District subject to the owner of the property agreeing to the following conditions:

1. Any structures shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.
2. Mitigation of any tree removals in accordance with Chapter 42, Article X of the City Code.
3. If mitigation plantings are required staff will work with the applicant to provide "C-2" landscaping along Hickman Road.
4. Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
5. Combine all owned commercially zoned parcels into a common parcel and all contiguous owned residentially zoned parcels into a common parcel.

6. Prohibit the use of the property for the following uses:

- a) Delayed Deposit Services;
- b) Pawn brokerages;
- c) Bakeries;
- d) Restaurants;
- e) Delicatessens;
- f) Gas stations;
- g) Grocery stores;
- h) Laundrettes and coin-operated dry cleaning establishments;
- i) Locker plants;
- j) Automotive accessory and parts stores;
- k) Upholstery shops; and
- l) Package goods stores for the sale of alcoholic beverages.

7. Any Site Plan for development of the property must be reviewed by the Plan & Zoning Commission.

Motion passed 11-0.

Respectfully submitted,

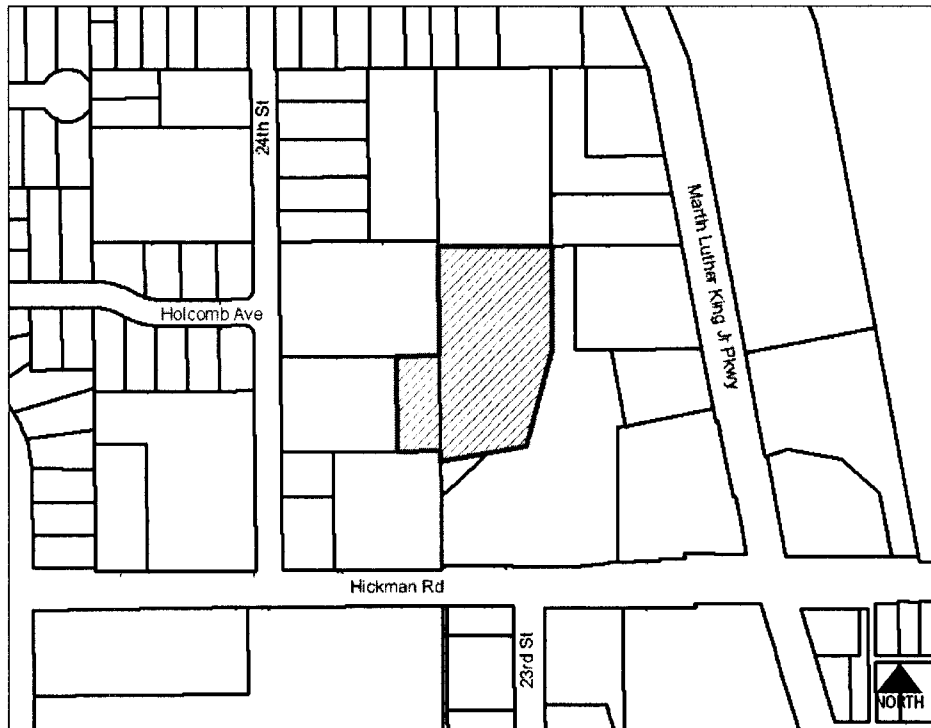

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Request from Freedom For Youth Ministries (owner) represented by Mark Nelson to rezone property located in the vicinity of 2301 Hickman Road:		File #			
		ZON2010-00102			
Description of Action	Rezone property from "R-3" Multiple-Family Residential District and "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow construction of a children's center and an off-street parking lot.				
2020 Community Character Plan	Existing: Low-Density Residential Proposed: Commercial: Auto-Oriented, Small-Scale Strip Development				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R-3" Multiple-Family Residential District and "R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	Limited "C-1" Neighborhood Retail Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	1			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Freedom for Youth Ministries - 2301 Hickman Road

ZON2010-00102



Item 2010 00102 Date 7-12-10

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

(Circle One)

Print Name Laura Rettig

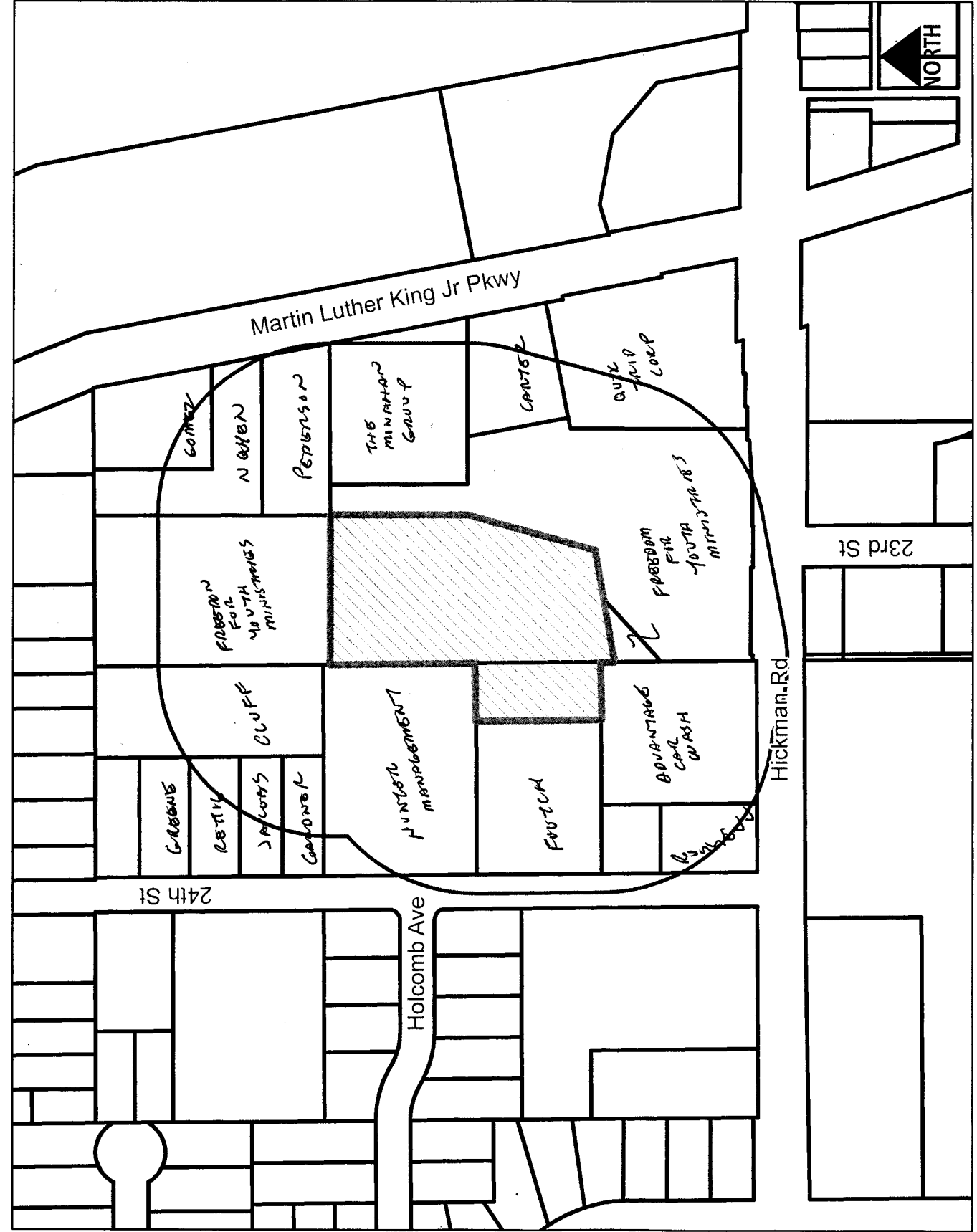
Signature Laura Rettig

Address 2535 24th Street

RECEIVED
COMMUNITY DEVELOPMENT
JUL 11 2010
DEPARTMENT

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

Without knowledge of the proposed plan I must
oppose the change at this time



26