

★ **Roll Call Number**

Agenda Item Number

.....
August 20, 2007

6
.....

Date.....

WHEREAS, on August 6, 2007, by Roll Call No. 07-1512, it was duly resolved by the City Council that the application of Freedom Financial Bank, represented by David Hill (officer), to rezone property the Bank owns in the vicinity of 2112 Woodland Avenue and 600 Martin Luther King Jr. Parkway, more fully described as follows:

Lot 5, Park Place, an Official Plat; all the vacated East/West alley right-of-way lying North of and adjoining said Lot 5; and, the West 50 feet of the East 250 feet of the North 132 feet of Lot 8, Official Plat of the Southwest 1/4 of Section 5, Township 78 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.

from the "R-2A" General Residential District to the "C-1" Neighborhood Retail Commercial District classification, be set down for hearing on August 20, 1007, at 5:00 P.M., in the Council Chambers of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on August 9, 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;

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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the property described above to the "C-1" Neighborhood Retail Commercial District classification is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

(continued)

★ **Roll Call Number**

Agenda Item Number

61

Date August 20, 2007

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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

August 6, 2007

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 19, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



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

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			

APPROVAL of a request from Freedom Financial Bank, represented by David Hill (officer), for vacation and conveyance of that portion of the east/west alley extending east from 22nd Street between Woodland Avenue and High Street which adjoins the property owned by the Bank at 2112 Woodland Avenue, subject to the following conditions: (11-2007-1.15)

1. Dedication of a cross-access easement through the Bank's property at 2112 Woodland Avenue for vehicular access between the remaining alley and Woodland Avenue.
2. Provision of easements for any existing utilities.

By same motion and vote, members recommended **APPROVAL** of a request to rezone property located at 2112 Woodland Avenue and 600 M.L. King Jr. Parkway from "R-2A" General Residential District to "C-1" Neighborhood Retail District to allow for expansion of the existing retail commercial site for a drive-up financial institution. (ZON2007-00092)

Vacation/Conveyance Written Responses

1 In Favor
0 In Opposition

Rezoning Written Responses

4 In Favor
0 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

1. Dedication of a cross-access easement through the site between the remaining alley and Woodland Avenue.
2. Provision of easements for any existing utilities.

Part B) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part C) Staff recommends approval of the requested rezoning to "C-1" Neighborhood Retail District.

STAFF REPORT

1. **Purpose of Request:** The applicant has purchased the former Art Store site with the intent of opening a bank with a drive-thru teller lane on the west side of the building. To accomplish this a drive lane must be constructed through a portion of the site that is residentially zoned and through the subject alley segment.
2. **Size of Site:** Rezoning – 0.32 acres. Alley vacation – 14' x 50'.
3. **Existing Land Use (site):** Vacant lot.
4. **Adjacent Land Use and Zoning:**
 - North* – "R1-60"; Use is Woodland Cemetery.
 - South* – "C-2"; Use is a medical clinic.
 - East* – "C-1"; Use is the former Art Store building.
 - West* – "R-2A"; Uses are a City park and a single-family dwelling.
5. **General Neighborhood/Area Land Uses:** The immediate area is characterized by residential properties with commercial uses along the Martin Luther King Jr. Parkway and Ingersoll Avenue corridors.
6. **Applicable Recognized Neighborhood(s):** Woodland Heights.

7. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented Commercial Corridor.
8. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

The Commission also 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** The subject portion of the site contains 12 trees. The submitted site sketch indicates that 1 of the trees would need to be removed. The entire site generally slopes downward towards the southwest.
2. **Site Plan Review:** The applicant must demonstrate compliance with the City's storm water management, landscaping and buffering requirements during the site plan review process. The City's Landscaping Standards for "C-1" Districts generally require the following:
 - 20% open space with a minimum of 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.
 - 10'-wide bufferyards along property lines that adjoin a "R" District or residential use with a 6'-tall, 75% opaque fence or wall, and 2 overstory trees and 6 evergreen trees per 100 lineal feet of property line.
 - 1 overstory tree and 3 shrubs must be provided along the perimeter of parking lots for every 50 lineal feet of frontage.
3. **Utilities:** Easements must be provided for any identified utilities. Staff is not aware of any utilities in the subject alley at this time.
4. **Street System:** The subject alley dead ends into the existing commercial site. Access to the alley is provided through the existing drives on the subject site. The applicant is proposing to vacate an additional 50' of alley that adjoins their site to the north and south. The submitted site sketch indicates that traffic would still be able to access the eastern end of the alley through the applicant's property. Staff recommends that the provision of an access easement for traffic entering or exiting the alley as a condition of approval.
5. **Access or Parking:** The submitted site sketch indicates the parking lot and drive-thru teller lanes will be accessed from the existing driveway to Woodland Avenue.

SUMMARY OF DISCUSSION

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

Kent Sovern: Moved to approve the requested rezoning to "C-1" Neighborhood Retail District and approve the requested vacation and conveyance subject to the following conditions:

1. Dedication of a cross-access easement through the site between the remaining alley and Woodland Avenue.
2. Provision of easements for any existing utilities.

Motion passed 11-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig", written in a cursive style.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2007 00092

Date 7-12-07

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

(Circle One)

RECEIVED

JUL 16 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Douglas McBride

Signature *[Handwritten Signature]*

Address 716 26th St. DSM IA 50312

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

A great addition to our neighborhood.

WOODLAND HEIGHTS Neph Done Now CONTACT

Item 2007 00092

DES MOINES IA 503

Date 7-16-07

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

(Circle One)

RECEIVED
RECEIVED
JUL 18 2007

JUL 2007 PM 1 L

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name STEVE NEBORN

Signature *[Handwritten Signature]*

Address 6902 WESTERN, WDM

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

Item 2007 00092

Date 7/12/07

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

(Circle One)

RECEIVED

JUL 13 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name: STEPHEN H. WICKS

Signature: Stephen H. Wicks

Address: 2139 HIGH ST

Reason for opposing or approving this request may be listed below: DM IA 50312

Item 2007 00092

Date 7-11-07

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

(Circle One)

RECEIVED

JUL 13 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name: Freedom Financial Bank

Signature: [Signature]

Address: 212 High St. 1255 Jordan
Des Moines, IA W. Des Moines

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