



Date October 12, 2009

WHEREAS, on September 28, 2009 by Roll Call No. 09-1747 the City Council of the City of Des Moines duly resolved that the application of the State of Iowa to rezone certain property located in the vicinity of 1111 East court Avenue, more fully described below, from R-4 Multiple Family Residential to C-3A Central Business District Support Commercial district classification, be set down for hearing on October 12, 2009 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 Register on October 1, 2009, 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property from R-4 Multiple Family Residential to a Limited C-3A Central Business Support Commercial District classification, subject to the condition that use of the property shall be restricted only to those functions required for State operations.

BEG SW COR LT 2 THN NW 60F SELY 107. 5F S 185F W 36F N TO POB LTS 2 & 4 J E HENDRICKS SUB DIV BLK 9 W A SCOTTS ADD TO DM

AND

EX TRI PC BNG E 140F ON N LN & N 69F ON E LN- LT 1 & ALL LTS 2, 3 & 4 & -EX TRI PC BNG S 75F ON E LN & E 21F ON S LN- LTS 5 & 6 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

W 119F ON N LN & W 105F ON S LN LT 7 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

INTERV VAC ALLEY & LOT S 18 & 19 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 17 & 20 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

10F VAC ALLEY LYG E & ADJ S 62F LT 1, LTS 2,3,4 & N 24F LT 5 J E HENDRICKS SUBDIV LT 3 BLK 9 WA SCOTTS ADD

AND



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INTERV VAC ALLEYS & LTS 1 THRU 16 BLK 8 W A SCOTTS ADD OR SUBDIV
AND
INTERV VAC ALLEY & LOTS 19,20,21 & 22 BLK 7 B FALLEN, J S POLK & FM
HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV
AND
16F VAC E/W ALLEY & 20F VAC N/S ALLEY THRU BLK 7 & LTS 1 THRU 11 & LTS 14,
15 & 16 BLK 7 W A SCOTTS ADD OR SUBDIV
AND
LT 1 & -EX S 1 F- LT 2 & ALL LTS 3 & 4 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR
SUBDIV
AND
S IF LT 2 & ALL LT 5 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR SUBDIV
AND
INTERV VAC ALLEY & LOTS 17,18,23 & 24 BLK 7 B FALLEN, J S POLK & FM
HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV
AND
ALL LOTS & INTERVENING ALLEY & CLOSED S E 11TH ST W OF & ADJ BLK 9
TOWN OF DE MOINE
AND
ALL LOTS & INTERVENING ALLEY & CLOSED SE 10TH ST W & ADJ BLK 10 TOWN
OF DE MOINE
AND
ALL N OF DM W LTS 1-2- 9 & 10 BLK 22 & NE PC LT 11 OP LTS 3 TO 803 CLOSED
VINE & 11TH ST N OF DM W TO THEIR NE JUNCTION COR & INTERVENING
ALLEYS- BLK 22 TOWN OF DE MOINE
AND
ALL N & E OF A LINE FROM A PT 67.35 F S OF NW COR LOT 3 TO A PT 3 F N OF SE
COR LOT 7 & INTERVENING ALLEYS & CLOSED VINE ST N & ADJ BLK 23 TOWN
OF DE MOINE
AND
N 240F BLOCK A B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A
SCOTTS ADD OR SUBDIV
AND
VAC 16F ALLEY E & ADJ & LTS 1 THRU 6 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S
236F W ~ LT 31 BROOKS & COS ADD
AND
LTS 13 THRU 19 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31
BROOKS & COS ADD
AND



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N 280F VAC E 13TH ST ADJ LTS LTS 13 THRU 19 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

LTS 20 THRU 28 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236F W 1/2 LT 31 BROOKS & COS ADD

AND

N 360F VAC 16F ALLEY W & ADJ & LTS 32 THRU 42 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

VAC 60F E 13TH ST COURT LYG S OF VAC VINE ST & N OF S LN LTS 31 & 55 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

-EX E 60F-LTS 43 THRU 54 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

PRT 80F VAC VINE ST S & ADJ BLKS 7, 8 & 9 LYG E OF E LN VAC E 12TH ST & W OF LN 135F E OF SW COR BLK 9 W A SCOTTS ADD OR SUBDIV

AND

A PART OF THE EXISTING RIGHT-OF-WAY OF SE 14TH STREET DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 9 OF W. A. SCOTT'S ADDITION, AN OFFICIAL PLAT; THENCE SOUTH 78°40'34" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. COURT AVENUE, 235.18 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE SOUTH 50 ° 16' 26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 34.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 50°16'26" EAST, 16.14 FEET; THENCE SOUTH 00°15'22" WEST, 375.67 FEET; THENCE SOUTH 75°10' 44" WEST, 7.39 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID WEST RIGHT-OF-WAY LINE: NORTH 14°49'16" WEST, 80.00 FEET; THENCE SOUTH 75°10'44" WEST, 29.97 FEET; THENCE NORTH 00°44'22" EAST, 129.63 FEET; THENCE NORTH 68°53'40" EAST, 10.06 FEET; THENCE NORTH 89°54'55" EAST, 36.27 FEET; THENCE NORTH 00°27'27" WEST, 184.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.24 ACRES (10,541 S.F.), AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

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



Roll Call Number

Agenda Item Number

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Date October 12, 2009

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited C-3A Central Business District Support Commercial District Classification are hereby overruled, and the hearing is closed.

2. The proposed rezoning is found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, as amended on this date.

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

FORM APPROVED:

Michael F. Kelley
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

Date 9-28-09
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September 18, 2009

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 September 17, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

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

APPROVAL of a request from the State of Iowa (owner) represented by Ray Walton (Director of Department of Administrative Services) for property located in the vicinity of 1111 East Court Avenue that the proposed rezoning be found in conformance with the Des Moines' 2020 Community Character Plan future land use map designation of Public/ Semi-Public; and recommended approval to "C-3A" the requested rezoning subject to the following: **ZON2009-00143**

1. Use of the property shall be restricted to only those functions required for State operations.

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the Des Moines' 2020 Community Character Plan future land use map designation of Public/ Semi-Public.



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

Part B) Staff recommends approval of the requested rezoning subject to the prohibition of the following uses.

1. Adult entertainment businesses.
2. Auction yards.
3. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
4. Mobile home parks.
5. Off-premise advertising signs.
6. Pawnshops.
7. Vehicle display and storage lots.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The State intends to develop an office building on the subject property. The bulk standards and permitted uses of the "C-3A" District are generally more appropriate to the proposed use.
2. **Size of Site:** 30.1 acres.
3. **Existing Zoning (site):** "R-4" Multiple Family Residential District.
4. **Existing Land Use (site):** State Judicial Building, State Facilities Management Center & Energy Plant, and undeveloped open space.
5. **Adjacent Land Use and Zoning:**
 - North** - "R-4", Use is State Capitol grounds.
 - South** - "R-4" & "M-1", Use is railroad lines.
 - East** - "R1-60 & C-2", Uses consist of single-family dwellings, a restaurant and a billboard.
 - West** - "C-1" & "C-3A", Uses consists of offices.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the southern edge of the State Capitol grounds.
7. **Applicable Recognized Neighborhood:** East Village.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Public/ Semi-Public.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Access/Traffic:** The subject property has frontage on East Court Avenue and East 14th Street. These corridors have the capacity to handle the traffic generated by the type of development allowed in the "C-3A" District.
2. **2020 Community Character Plan:** The proposed "C-3A" Central Business District Support Commercial District is in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/ Semi-Public as the subject property is a part of the State Capitol grounds.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Dean Ibsen staff the Capital Planning Commission 109 SE 13th stated that they are trying to be good neighbors to the City. They have worked with the City in making application for the rezoning. They were not aware of the recommended prohibition on auction yards and vehicle display until Tuesday. They have no objection of adult entertainment, mobile home parks. We don't want those things either. We have no plans to put in an auction yard or long term vehicle storage. However, we have a fleet of cars and there are occasions we have vehicle auctions that take place in different areas. Sometimes on public state parking lots. Therefore a flag went up saying if we want to use the parking lot for a vehicle auctions or if for some reason we want to store vehicles on some of these lots we could have a problem. So, we thought we should talk about it.

JoAnne Corigliano asked if this is existing lots or they just want to clean up the zoning so the possibility is there.

Dean Ibsen stated there are existing parking lots that they could use, but would be part of the rezoning.

JoAnne Corigliano asked if they want to put anything else in.

Dean Ibsen state that they are working on a master plan and think they will be coming in a few weeks to talk about it for the Capitol Complex. They don't have any plans to build an auction yard, or fleet storage. They just don't want to be restricted.

Dann Flaherty asked if they are to use the Capitol for an auction yard, vehicle display lot and storage lot

Dean Ibsen stated no they are not coming to the Commission to ask that the Capitol be used for an auction yard, vehicle display lot.

Dann Flaherty asked then why would they have a problem with those two items if they are not going to use it for that.

Dean Ibsen stated that first of all the Capitol is not on this property.

Dann Flaherty asked staff to show the aerial photo and had staff point to the Capitol and point to the parking lot. Asked if they are worried about landscaping and site lines, but are not worried about vehicle display lots.

Dean Ibsen stated they have no intention on putting any type of permanent auction but asked what if they need to store vehicles for two months.

Dann Flaherty asked legal Council if he knew that it was a temporary type of situation, would our zoning requirement that they not have auction yards or vehicle display lots kick in.

Mike Kelley stated that if they stored vehicles for two months the zoning would be enforceable.

Dean Ibsen stated that this property may not likely be sold. However, if it were, no one would want to see it used as a vehicle display lot.

Greg Jones stated that they already do that. They have the need to auction off vehicles quarterly and it is no worse than all of the cars parked there for the employees.

Dean Ibsen reiterated that they did not know about the recommended restrictions until a few days ago when the staff report was received.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in support or opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Erik Lundy suggested that if the Commission was looking at removing the restrictions they might want to limit it permitted uses to the State functions.

Dann Flaherty asked if it would be appropriate to go to the Zoning Board of Adjustment and ask for a use variance.

Erik Lundy stated that it could be done but would have to be crafted with conditions. If it was specifically related to a function it could be done with a Special Permit or a Conditional Use type of provision in an industrial designation. "C-3A" does not have that Conditional Use, so it would have to be a Special Permit.

Dann Flaherty asked if the Commission would allow it or the Board of Adjustment.

Erik Lundy answered the Board of Adjustment. If the Commission would be inclined to allow them to have auctions, "C-3A" would allow it, if we did not limited it down like we are recommending. Staff is recommending that it be removed from that list of permitted uses. The Commission has some ability to allow it but limit it in the fashion that it might be for the State only or even say four times a year, as long as they agree to it in writing.

JoAnne Corigliano asked how long it takes to get fleet vehicles ready for a sale.

Dean Ibsen stated that it varies, and they have never used those lots for the sale of cars.

COMMISSION ACTION

Mike Simonson moved that the proposed rezoning be found in conformance with the Des Moines' 2020 Community Character Plan future land use map designation of Public/ Semi-Public; and

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recommended approval to "C-3A" the requested rezoning subject to the following:

1. Use of the property shall be restricted to only those functions required for State operations.

Motion passed 8-0.

Respectfully submitted,



Erik Lundy, AICP
Senior City Planner

EML:cw

Attachment

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Item 2009-00143

Date 8-9-09

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

(Circle One)

RECEIVED

SEP 15 2009

COMMUNITY DEVELOPMENT

Print Name BOUNTHAVY-VONGPHACHANH

Signature [Signature]

Address 1418-E-VINE, ST, DESMOINES, 50316

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