

Date February 28, 2011

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

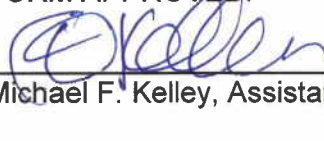
WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held February 3, 2011, the members voted 12-0 to recommend **APPROVAL** of a City Council initiated request for properties with multiple ownerships in furtherance of the "2 Rivers District Land Use and Redevelopment Plan" for an area of the City generally bounded by the Raccoon River on the north, Southeast 1st Street on the east, Indianola Road on the south and Southwest 7th Street on the west to amend the Des Moines' 2020 Community Character Plan future land use designation as follows: (See Attachment 1)

- (1) General Industrial to Commercial, Pedestrian-Oriented Commercial Corridor; Mixed Use and Density Residential; and Medium-Density Residential.
- (2) Commercial, Pedestrian-Oriented Commercial Corridor to Public/Semi-Public.
- (3) Commercial, Pedestrian-Oriented Neighborhood Node to Commercial, Pedestrian-Oriented Commercial Corridor and Mixed Use and Density Residential.
- (4) Low Density Residential to Commercial, Pedestrian-Oriented Commercial Corridor and Mixed Use and Density Residential.
- (5) Medium Density Residential to Commercial, Pedestrian-Oriented Commercial Corridor.
- (6) High Density Residential to Commercial, Pedestrian-Oriented Commercial Corridor and Mixed Use and Density Residential.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved and adopted.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:



 Michael F. Kelley, Assistant City Attorney

(21-2011-4.02)

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

MOTION CARRIED APPROVED

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.

_____ Mayor

_____ City Clerk

February 7, 2011

Date _____
Agenda Item 3A 50
Roll Call # _____

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 February 3, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of Part A) to find the proposed rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan Future Land Use Map, Part B) to approve amendments to the Des Moines' 2020 Community Character Plan Future Land Use Map as illustrated on Attachment #1; and Part C) to approve City Council initiated request to rezone properties with multiple ownerships in furtherance of the "2 Rivers District Land Use and Redevelopment Plan" for an area of the City generally bounded by the Raccoon River on the north, Southeast 1st Street on the east, Indianola Road on the south and Southwest 7th Street on the west as illustrated on Attachment #2. ZON2011-00005 & 21-2011-4.02

Written Responses

10 In Favor
2 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan Future Land Use Map.

Part B) Staff recommends approval of the proposed amendments to the Des Moines' 2020 Community Character Plan Future Land Use Map as illustrated on Attachment #1.

Part C) Staff recommends approval of the proposed rezoning as illustrated on Attachment #2.

STAFF REPORT

I. GENERAL INFORMATION

The 2 Rivers District is located south of the downtown and is generally bounded by the Raccoon River to the north, SE 1st Street to the east, Indianola Road to the south and SW 7th Street to the west. This area was affected by the extension of Indianola Avenue from the SE 1st Street intersection across the Raccoon River to SW 3rd Street. This street project altered traffic patterns in the area and opened up underutilized sites for redevelopment. This area also is suitable for redevelopment given its proximity to the Meredith Trail, the Principal Riverwalk, and other redevelopment activities that are taking place to the north.

On December 5, 2005, the City Council, by Roll Call 05-2877, approved an agreement with Brian Clark and Associates for preparation of a land use and redevelopment plan for the area. Brian Clark and Associates worked with a steering committee, stakeholders, residents, and staff to develop a plan that recommends appropriate future land uses; identifies underutilized sites; and provides a conceptual design for the area that integrates the trail system, Columbus Park, new multi-family units, the existing single-family residences to the east and a proposed cultural center.

Public input was gathered through a series of public workshops, which occurred on February 27, 2006; April 5, 2006; and May 23, 2006, as well as steering committee meetings. The steering committee, which was comprised of representatives from the City, the County, the McKinley School/Columbus Park Neighborhood, the Italian-American Cultural Center, Meredith Corporation and Principal Inc., met four times to provide guidance on creating a cohesive vision from the input gathered at the public workshops.

On April 21, 2008 the City Council approved Roll Call 08-674 receiving and filing the 2 Rivers District Plan and referring it to the Plan and Zoning Commission, the Park and Recreation Board and the Urban Design Review Board for recommendations on implementation. On August 7, 2008 a joint presentation was given to the three boards.

On January 5, 2009, the City Council received and filed the recommendations of the Park and Recreation Board, Urban Design Review Board, and Plan and Zoning Commission, and directed the Community Development Director to initiate appropriate amendments to the land use plan and rezoning to support and reflect the intent of the 2 Rivers District Plan.

Implementation of the amendments to the land use plan and rezoning was temporarily delayed by other intervening concerns and activities. On December 6, 2010, the City Council, by Roll Call 10-2030 approved a temporary moratorium on the approval of site plans and permits for the construction or development of new uses and structures within the 2 Rivers District that are incompatible with the 2 Rivers District Plan. The moratorium expires on April 12, 2011. Roll Call 10-2030 also directed staff and the Plan and Zoning

Commission to diligently proceed with the consideration of amendments to the Des Moines 2020 Community Character Plan and rezoning to incorporate the 2 Rivers District Plan with the goal of a recommendation being forwarded to the City Council at their February 14, 2011 meeting.

On January 18, 2011, City staff hosted a public open house and invited all property owners in and within 250 feet of the 2 Rivers District. The open house was held from 4:30 p.m. to 7:00 p.m. with summary presentations at 5:00 and 6:00. The open house was attended by 30 to 40 individuals (see attached attendance lists).

II. LAND USE AND ZONING ANALYSIS

The executive summary section of the 2 Rivers District Plan provides the following synopsis of the plan's overall vision.

"The 2 Rivers District Land Use and Redevelopment Plan proposes a long-range vision that protects the assets of the area while creating new opportunity for redevelopment. The Plan is organized around three main sub-areas: Riverview, Cityview and Confluence Park. Inter-related streets, streetscapes, trails and open space form the underlying structure of the 2 Rivers District and weave together the sub-areas. For instance, the Cityview area is envisioned as a high-density, mixed-use neighborhood offering river-view and city-view residences with retail uses including restaurants and shopping. The Riverview area is envisioned to have medium density multifamily housing along the river edge and single/multi-family housing adjacent to St. Anthony's Church. The streets, open spaces and trails in both of these neighborhoods offer physical and viewable connections to the River. Lastly, the 2 Rivers District is designed with a balance of maintaining the current neighborhood charm and the required densities to drive future infrastructure improvements. The 2 Rivers District Plan preserves and celebrates this neighborhoods' position as the next emerging mixed use district in Des Moines and Iowa."

The area currently consists of a mix of light industrial, auto-oriented commercial and residential classifications that do not match up with the vision of an urban mixed-use area containing a mix of pedestrian friendly commercial and residential uses.

Staff believes the amendments illustrated on Attachment #1 are necessary for the Des Moines 2020 Community Character Plan to meet this new vision. This map generally shows the Mixed Use and Density Residential designation along the rivers, Commercial: Pedestrian-Oriented Commercial Corridor designation along the Indianola Avenue and SE 1st Street corridors, and Medium-Density Residential designation around the St. Anthony's Church site.

The following are descriptions of each of the proposed land use classifications from the Des Moines 2020 Community Character Plan.

Mixed Use and Density Residential – Areas developed with a mix of densities and some limited retail and office. Encourages mix of single-family, duplex small multi-family as well as developments over 17 units per acre

Commercial: Pedestrian-Oriented Commercial Corridor – Site orientation is balanced between the needs of the pedestrian and the convenience of the motorist. The development is compact and has walkable connections to adjacent areas exist via public streets and sidewalks. Small-to-moderate scale commercial developed in a linear pattern that serves the adjacent neighborhood and passing motorist. Building sizes range from 2,000 to 35,000 square feet.

Medium-Density Residential – Areas developed with multi-family units including those over 8 units, up to 17 units per net acre.

Staff believes the zoning changes illustrated on Attachment #2 are necessary for the goals of the 2 Rivers District Plan to be met. New zoning districts shown on this map consist of the “D-R” Downtown Riverfront District along the rivers and the “NPC” Neighborhood Pedestrian Commercial District along and in between the Indianola Avenue and SE 1st Street corridors.

Staff believes the existing “R-3” Multiple Family Residential District that encompasses the St. Anthony’s Church is appropriate. Staff also recommends that the “M-3” zoned properties located on the east side of the 1800 block of SW 2nd Street be rezoned to the “R-3” District. These properties adjoin the existing “R-3” zoning and contain single-family dwellings.

Staff recommends that until specific projects are proposed the area east of SE 1st Street and south of Jackson Avenue should stay zoned “C-0” Commercial-Residential District. This will allow for greater control of future development to ensure that it is compatible with the single family dwellings to the east.

The following are descriptions of the “D-R” District and the “NPC” District from the Zoning Ordinance.

“D-R” Downtown Riverfront District

Sec. 134-1035. Statement of intent.

The D-R Downtown Riverfront District is intended to support and enhance the downtown riverfront as a safe and lively people-oriented open-space spine, connecting a series of distinct destination nodes within an urban setting of high-quality buildings. The district is aimed at supporting redevelopment that will significantly enhance the downtown riverfront, attracting visitors and residents of the metropolitan region to a waterfront resource that has been underutilized for many years.

The D-R Downtown Riverfront District is a regulatory tool that assists the implementation of the vision for the "Des Moines Riverfront Master Plan" which is a reference document to the 2020 Community Character Plan. The land use program that best meets the objectives of the "Des Moines Riverfront Master Plan" includes publicly-owned parks, medium density housing, and a combination of cultural and recreation facilities, civic uses, offices, specialty retail shops, entertainment establishments, hotels, and bed and breakfasts. This Downtown Riverfront District is intended to assure that redevelopment adjacent to the river is compatible with the plan for new mixed-use neighborhoods, commercial and residential nodes.

Redevelopment of the downtown riverfront should reinforce the concept of the " riverfront as main street." Multi-story buildings are encouraged to provide a mix of residential and commercial uses with dwellings encouraged to be located above street-level retail. Redevelopment is intended to

establish the riverfront district as an interconnected pedestrian-oriented cultural and recreation destination.

“NPC” Neighborhood Pedestrian Commercial District

Sec. 134-911. Statement of intent.

- (a) The NPC neighborhood pedestrian commercial district is intended for early 20th century streetcar and automobile corridors with a variety of retail shopping, office use, and apartments. The district is characterized by multistory brick apartments and one- and two-story commercial buildings with multiple tenants and minimal setback from the primary commercial street. This district includes specialty retail and office uses that serve the adjacent residential areas as well as the entire city.
- (b) It is the intention of this division that the classification as neighborhood pedestrian commercial will aid in the preservation and stabilization of the commercial corridor along the primary commercial street by improving the pedestrian access, promoting retail density, protecting the adjacent residential districts, and protecting the character of the district. It is the intention that new buildings and exterior alterations of existing buildings be compatible with the predominant front yard setback, street entrance, fenestration and materials along the corridor. To this end the classification incorporates permissive bulk standards for new construction and remodeling and lowers the usual parking standards. To ensure compatibility of development with the neighborhood and the maximum flexibility for the property owner, development within an NPC district is tied to a review of the site plan by the plan and zoning commission and city council.

Attached is a map of the subject area and a chart showing analysis of zoning conformity for individual properties (Attachment #3). Determination of a property’s “conforming” status was based on an analysis of uses provided by the Polk County Assessor and field observation. Further determination of an individual property’s conformity will be necessary at the time of any building permit review.

Staff has identified two properties that would become legal non-conforming if the proposed rezoning is approved. The first property contains a billboard and is located on the north side of Indianola Road to the east of the SW 7th Street intersection. The second property contains a vehicle repair business and is located on the southwest corner of the Clay Avenue and South Union Street intersection. Both of these properties are currently zoned “M-1” Light Industrial District and would be rezoned to “D-R” Downtown Riverfront District, which prohibits these uses.

Staff also identified 9 properties that are currently legal non-conforming uses that would become conforming uses by the proposed rezoning and 15 properties that are currently legal non-conforming uses that would continue to be legal non-conforming uses.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

3A
56

COMMISSION ACTION:

Greg Jones moved staff recommendation Part A) To find the proposed rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan Future Land Use Map; Part B) To approve the proposed amendments to the Des Moines' 2020 Community Character Plan Future Land Use Map as illustrated on Attachment #1. Part C) To approve the proposed rezoning as illustrated on Attachment #2. Mike Simonson seconded.

Motion passed 12-0.

Respectfully submitted,



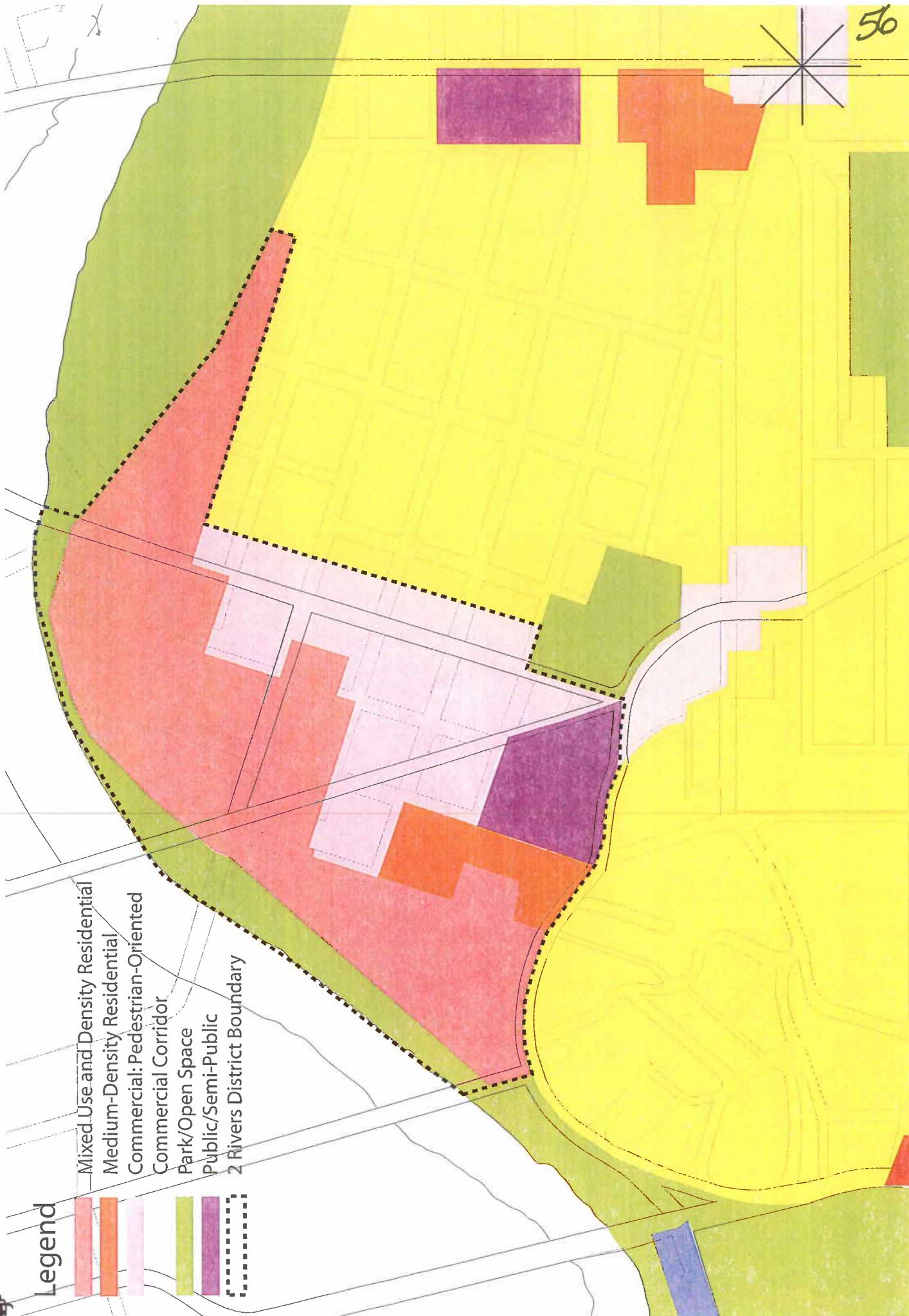
Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

2 Rivers District Land Use and Redevelopment Plan "Attachment 1" - Proposed Land Use

21-2011-4.02



Legend

- Mixed Use and Density Residential
- Medium-Density Residential
- Commercial: Pedestrian-Oriented
- Commercial Corridor
- Park/Open Space
- Public/Semi-Public
- 2 Rivers District Boundary



2 Rivers District Land Use and Redevelopment Plan
 "Attachment 2" - Proposed Zoning

ZON2011-00005



To: NPC
 From: R-3, R-4, C-0, C-2, M-1

To: DR
 From: R-4, M-1, M-3



To: R-3
 From: M-3



2 Rivers District
 Boundary

34
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City Council initiated rezoning of properties with multiple ownerships in furtherance of the "2 Rivers District Land Use and Redevelopment Plan" for an area of the City generally bounded by the Raccoon River on the north, Southeast 1 st Street on the east, Indianola Road on the south and Southwest 7 th Street on the west:		File # ZON2011-00005		
Description of Action	Rezone property as follows: (1) "M-1" Light Industrial District to "D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District. (2) "M-3" Limited Industrial District to "D-R" Downtown Riverfront District and "R-3" Multiple Family Residential. (3) "C-2" General Retail and Highway Oriented Commercial District to "D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District. (4) "C-0" Commercial Residential District to "NPC" Neighborhood Pedestrian Commercial District. (5) "R-4" Multiple Family Residential District to "D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District. (6) "R-3" Multiple Family Residential District to "NPC" Neighborhood Pedestrian Commercial District.			
2020 Community Character Plan	Low-Density Residential, Medium-Density Residential, High-Density Residential, Commercial: Pedestrian-Oriented Neighborhood Node, Commercial: Pedestrian-Oriented Commercial Corridor, General Industrial, Park/Open Space, Public/Semi-Public			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	See Above (Description of Action)			
Proposed Zoning District	See Above (Description of Action)			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	10			
Outside Area	2			
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

2 Rivers District Land Use and Redevelopment Plan
 "Attachment 2" - Proposed Zoning

ZON2011-00005



To: NPC
 From: R-3, R-4, C-0, C-2, M-1
 To: DR
 From: R-4, M-1, M-3
 To: R-3
 From: M-3

2 Rivers District Boundary

Item 2011 00005

Date

34

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



204

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RECEIVED

COMMUNITY DEVELOPMENT

JAN 28 2011

DEPARTMENT

Print Name THERESA CAMPBELL

Signature Theresa Campbell

Address 202 E Edison Ave AM, Ia

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

I don't want the area to go Commercial.
In eighty-four years old, and the land
has been residential all the past years.

Item 2011 00005

Date 1-25-11

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

190

RECEIVED

COMMUNITY DEVELOPMENT

JAN 28 2011

DEPARTMENT

Print Name Sandra K. Bowman

Signature Sandra K. Bowman

Address 200 E. Livingston

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

Why not just buy us out?

Item 2011 00005 Date 1/24/2011

34
56

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

RECEIVED
COMMUNITY DEVELOPMENT

47

JAN 28 2011

Print Name Behrija Itheljiu

Signature _____

DEPARTMENT

Address 1820 SE 2nd St. Des Moines, IA
50315

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

Item 2011 00005 Date 1/30/11

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

108

RECEIVED
COMMUNITY DEVELOPMENT
FEB 01 2011
DEPARTMENT

Print Name Jim Post Sharon Post

Signature Sharon Post

Address 224 SE Livingston Ave

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

Item 2011 00005 Date 01/24/2011

3A
56

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

RECEIVED
COMMUNITY DEVELOPMENT

196

JAN 28 2011

Print Name Thoun Thonesavanh

Signature Thoun Thonesavanh

DEPARTMENT

Address 705 SE 1st Street

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

I would likes to see more improvement
and devalopment for this area.

Item 2011 00005 Date 1-24-11

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

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COMMUNITY DEVELOPMENT

42

JAN 28 2011

Print Name Andrew McCabe

Signature Andrew McCabe

DEPARTMENT

Address 334 E Livingston ave
208 Mones 50315

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

I Believe The Rezoning will raise my
Property Value and The general improvement
of my Neighbor hood. Both are good for
me.

Item 2011 0000 Date 1-27-11 34
56

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Raqueel Chappell

Signature Raqueel Chappell

JAN 31 2011

Address 4120 NE PASSEBER DR.
ALCOONA, IA 50009

DEPARTMENT

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

DOES NOT IMMEDIATELY AFFECT MY
PROPERTY

Item 2011 00005 Date 1/30/11

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name McKinley School Columbus
Neighborhood

Signature Jim Post, President

FEB 01 2011

Address Jim Post, President

DEPARTMENT

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

NEIGHBORHOOD ASSOCIATION

Item 2011 00005 Date 1-27-11

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

RECEIVED
COMMUNITY DEVELOPMENT

JAN 31 2011

DEPARTMENT

Print Name Tina L. Reed

Signature Tina L. Reed

Address 1956 S. Union Street

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

*Improvements & growth needs to be done in this area; it's looking run down in all aspects!
Building and improving is a very good idea North of Indianola Rd., and the Downtown Riverfront
area only, where the new zones should be! (Not near single family residential districts). It would be
nice to see the "NPC" & "D-R" in the very near future, rather than many years out. Thanks!*

Item 2011 00005 Date 1/28/2010

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JAN 31 2011

DEPARTMENT

Print Name Dennis Pederson

Signature D Pederson

Address #1 56th ST DSM

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

Item 2011 00005 Date 1/25/2011

34
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I (am) (am not) in favor of the request. 38

RECEIVED
COMMUNITY DEVELOPMENT

TWO RIVERS REALTY LLC
JEFF CLAYTON

JAN 31 2011

Signature JK. CL

DEPARTMENT

Address 1801 South Union DM

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

This area has enormous potential. We
are highly in favor of rezoning.
Redevelopment will help beat downtown
the south side & increase city revenue
It's time to move forward!

Item 2011 00005 Date 1-26-11

I (am) (am not) in favor of this request. 81

RECEIVED
COMMUNITY DEVELOPMENT

Print Name DONALD W. SMITH

JAN 31 2011

Signature Donald W. Smith

DEPARTMENT

Address 314 E. ~~Swingston~~ Swingston Ave

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

I believe D.R. Downtown Riverfront
District + N P C would be better.
Maybe the area north of us would
be kept cleaner, trees & weeds.