

Date May 7, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 19, 2012, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Julie Bassman (developer), Jerome Bassman (owner) to rezone property located at 1228 2nd Avenue from M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to NPC Neighborhood Pedestrian Commercial District, to allow development of a retail commercial center subject to the following conditions:

1. Prohibition of the following uses:
 - a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) delayed deposit services
 - d) pawn brokers
 - e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.
2. Any submitted Site Plan shall adhere to NPC Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

The subject properties are more specifically described as follows:

All Lot 141, and the West ½ vacated alley lying East of and adjoining the South 101 feet Lot 142 and the South 101 feet Lot 142, and also the East ½ vacated alley West of and adjoining Lots 149 and 150, and (Except beginning at the Southeast corner of Lot 150 thence West 4.52 feet, Northeast 89.97 feet, South 89.81 feet to the Point of Beginning) Lots 149 and 150, Rutherford Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

-Continue-

May 7, 2012

Date

-2-

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 May 21, 2012, 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.

FORM APPROVED:

MOVED by _____ to adopt.



 Michael F. Kelley
 Assistant City Attorney

(ZON2012-00043)

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

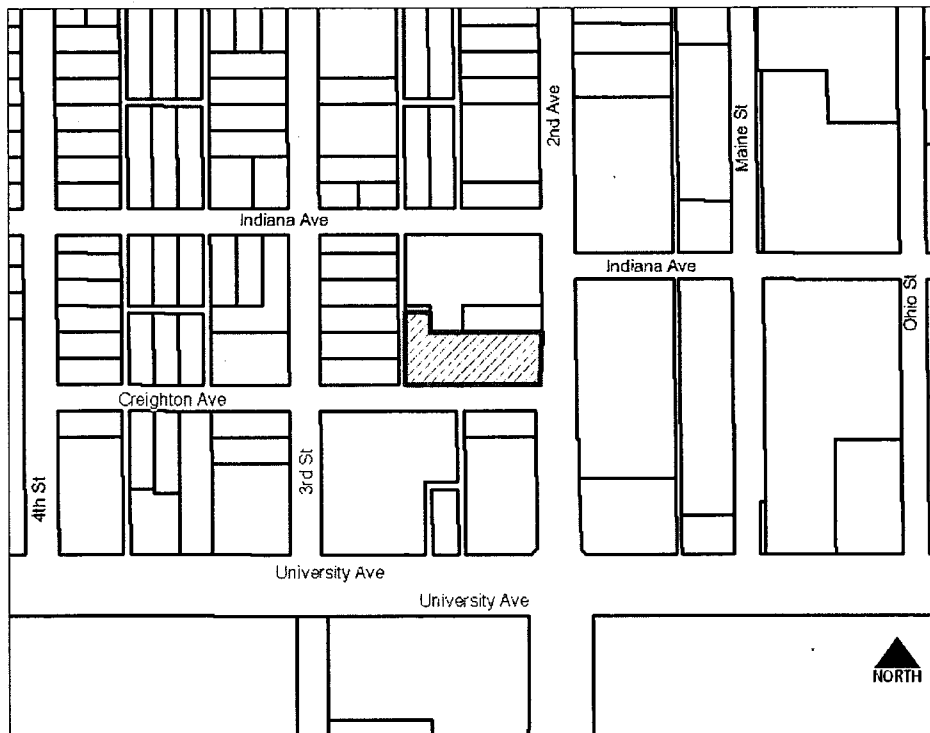
 Mayor

 City Clerk

Request from Julie Bassman (developer) to rezone property located at 1228 2 nd Avenue. The subject property is owned by Jerome Bassman.		File # ZON2012-00043		
Description of Action	Review and approval to rezone the property from "R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District to "NPC" Neighborhood Pedestrian Commercial District, to allow development of a retail commercial center.			
2020 Community Character Plan	Low-Density Residential and General Industrial			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	4			
Outside Area				
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Julie Bassman - 1228 2nd Avenue

ZON2012-00043



Date _____

Agenda Item 24

Roll Call # _____

April 25, 2012

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 April 19, 2012, the following action was taken regarding a request from Julie Bassman (developer), Jerome Bassman (owner) to rezone property located at 1228 2nd Avenue:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
Mike Simonson				X
CJ Stephens				X
Vicki Stogdil	X			

APPROVAL of motion Part A) to find the requested rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan Commercial: Pedestrian-Oriented, Commercial Corridor designation; Part B) to approve of the request to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from General Industrial and Low Density Residential to Commercial: Pedestrian-Oriented, Commercial Corridor; and Part C) to approve the requested rezoning from "M-1" Light Industrial District and "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow development of a retail commercial center subject to the following conditions: (21-2012-4.03 & ZON2012-00043)

Prohibition of the following uses:

- a) billiard parlor/game room,
- b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
- c) delayed deposit services
- d) pawn brokers



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

- e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.
1. Any submitted Site Plan shall adhere to “NPC” Design Guideline that requires the maximum number of off-street parking spaces provide to be limited a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
 2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.
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Written Responses

4 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines’ 2020 Community Character Plan Commercial: Pedestrian-Oriented, Commercial Corridor designation.

Part B) Staff recommends approval of the amendment to the Des Moines’ 2020 Community Character Plan to revise the existing future land use designation from General Industrial and Low Density Residential to Commercial: Pedestrian-Oriented, Commercial Corridor.

Part C) Staff recommends approval of the requested rezoning subject to the following conditions:

1. Prohibition of the following uses:
 - a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) delayed deposit services
 - d) pawn brokers
 - e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.
2. Any submitted Site Plan shall adhere to “NPC” Design Guideline that requires the maximum number of off-street parking spaces provide to be limited a number that is

no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.

3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to allow development of a commercial center with reduced setbacks from 2nd Avenue and Creighton Avenue.

The applicant has submitted a concept sketch which proposes a 5,400-square foot commercial center with three tenant bays and off-street parking to the west. Access to off-street parking is proposed from Creighton Avenue. This would involve the removal of two existing vacant retail commercial buildings and a detached accessory building.

The concept sketch shows the waste collection enclosure in close proximity to the alley. Any enclosure must comply with the current standards as part of any "NPC" Site Plan review.

Any development of the site will require approval of a site plan and building elevations by the Plan and Zoning Commission in accordance with the "NPC" Design Guidelines if the property is rezoned to the "NPC" District.

2. **Size of Site:** 27,638 square feet (0.63 acre).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "R1-60" One-Family Low Density Residential District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** The site contains two vacant commercial buildings that have been used for retail but have been vacant since around 1993.

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

North – "M-1" & "GGP"; Use is Commercial Bag and Textile retail and warehouse.

South – "M-1", "R1-60" & "GGP"; Uses are Thai Grocery and University Nursing and Rehabilitation.

East – "M-1" & "GGP"; Use is the Des Moines Public Schools Central Kitchen.

West – "R1-60" & "GGP"; Uses are vacant land and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the 2nd Avenue corridor where the industrial uses in Central Place transition to the River Bend residential neighborhood. The subject property is a block north of the University Avenue commercial corridor.

7. **Applicable Recognized Neighborhood(s):** River Bend Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial and 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** While it is conceivable that the proposed rezoning could be found consistent with the General Industrial future land use designation, it would not be consistent with the Low Density Residential designation. Staff believes it is appropriate to revise both designations for the property to a future designation of Commercial: Pedestrian-Oriented, Commercial Corridor, for which the request for “NPC” District zoning is most closely consistent.

Because this brings commercial zoning closer to the residential neighborhood than the previous development, there are a number of uses that should be prohibited as a condition of the “NPC” zoning. These uses would include billiard parlor/game rooms, communication towers/antennas (unless as an extension of 20 feet or less from the structure), delayed deposit services, gas stations/convenience stores, off-premises advertising signs, pawn brokers, liquor stores where sale of alcohol and tobacco products exceeds 40% of gross revenues, and taverns and nightclubs.

2. **NPC Design Guidelines:** The applicant has submitted a site sketch to convey their early layout concept for the project. Should the property be rezoned to “NPC” District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the “NPC” District.
 - A) Buildings should frame the street and maintain a minimal setback from the street.
 - B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
 - C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
 - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

- E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
- F) Building frontage should occupy at least 50 percent of the primary street frontage.
- G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring nonduplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.
- H) The following bulk regulations should be observed:
 - a. Minimum lot area:
 - i. Single-family detached dwelling, 5,000 square feet.
 - ii. Single-family semidetached dwelling, 3,000 square feet.
 - iii. Two-family dwelling, 6,000 square feet.
 - iv. Multiple dwelling, 10,000 square feet.
 - v. Mixed-use project, 10,000 square feet.
 - vi. Shelter for the homeless, 8,000 square feet.
 - vii. No minimum requirement for permitted nonresidential uses.
 - b. Minimum lot area per dwelling unit:
 - i. Row and multiple dwellings, 2,000 square feet.
 - ii. Shelter for the homeless, 300 square feet of lot size for each resident.
 - c. Front yard: minimum of zero feet.
 - d. Side yards: minimum of zero feet.
 - e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
 - f. Height: minimum of 15 feet, maximum of 45 feet.

- g. Number of stories:
 - i. Residential uses, a maximum of four stories.
 - ii. All other permitted uses, a maximum of two stories.
- l) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

3. Site Plan Requirements: Any future development of the site must conform to the City’s Site Plan regulations, including those regarding storm water management; grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access. Site Plans for property within the “NPC” District must be reviewed approved by the Plan and Zoning Commission for the specific “NPC” design guidelines as well as standards applicable to all commercial sites. The north/south alley provides an adequate transition between industrial and commercial development fronting 2nd Avenue and the residential neighborhood to the west.

4. Parking & Access: The submitted site sketch shows a 23-stall parking lot at the west of a 5,400-square foot commercial center proposed to be built close to 2nd Avenue. The access and circulation is proposed with two driveways onto Creighton Avenue to the south. The “NPC” District parking standards would require a total of 11 parking spaces for the proposed development, which is 60% of the 17 off-street parking spaces that would normally be required. The “NPC” District allows on-street parking spaces to be counted towards meeting the parking requirement if they adjoin the subject property. In this instance there is no permitted parking on the north side of Creighton Avenue adjoining

The “NPC” Design Guidelines indicate that off-street parking should not exceed the typical minimum. The applicant’s site sketch includes 23 off-street parking spaces which is five (5) spaces over the typical minimum for the size of building proposed in the sketch. The actual Site Plan submitted may vary on the building area. However, staff recommends that because of the close proximity that the development would be to a residential neighborhood, parking for any Site Plan should adhere to the guideline as a condition of the rezoning. This would help minimize unnecessary impact toward the neighborhood.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant’s request.

COMMISSION ACTION:

JoAnne Corigliano moved staff recommendation Part A) that the proposed rezoning be found **not** in conformance with the existing Des Moines’ 2020 Community Character Plan Commercial: Pedestrian-Oriented, Commercial Corridor designation; approval of Part B) to amend the Des Moines’ 2020 Community Character Plan to revise the existing future land use designation from General Industrial and Low Density Residential to Commercial:

Pedestrian-Oriented, Commercial Corridor; and Part C) to approve the requested rezoning from "M-1" Light Industrial District and "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow development of a retail commercial center subject to the following conditions:

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3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

Motion passed 8-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2012 00042

Date 4-18-12

24

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Jerome T. Bassman

APR 10 2012

Signature [Signature]

DEPARTMENT

Address 511 E 6th Street Ste B

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

SUBJECT PROPERTY
ADJACENT PROPERTY

Item 2012 00043

Date 4/12/12

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name MIKE HILDEBRAND

APR 16 2012

Signature [Signature]

DEPARTMENT

Address 410 FRANKLIN AVE

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

MET WITH THE OWNERS, PROJECT WILL
BE BENEFICIAL TO THE AREA AND
THE NEIGHBORHOOD

ADJ. BLVD NEIGHBORHOOD ASSOCIATION

Item 2012 00043

Date 4/13/2012

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name KAMTHORN KULCHAIYAWAT

APR 16 2012

Signature *Kamthorn Kulchaiyawat*

DEPARTMENT

Address 1220 2ND AVE DM IA 52314

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

I THINK IT IS VERY GOOD IDEA TO DEVELOPE
OUR COMMUNITY LOOKS BETTER.

Item 2012 00043

Date APR 13 2012

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name JOHN KECK

APR 16 2012

Signature *John Keck*

DEPARTMENT

Address OWNER - 215 UNIVERSITY

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

DM IA

Julie Bassman - 1228 2nd Avenue

ZON2012-00043

