

Date November 19, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 1, 2012, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request to rezone property located at 900 Mulberry Street from C-3A Central Business District Support Commercial District to C-3 Central Business District Commercial District, to allow reuse of the existing Central Fire Station No.1 for the Des Moines Social Club with theater, restaurant, and nightclub assembly venues.


The subject properties are more specifically described as follows:

South ½ of vacated East/West alley lying North of and adjoining Lot 2, and all Lots 1 and 2, Block 13, H.M. Hoxies Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 December 3, 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

(ZON2012-00185)

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

CERTIFICATE

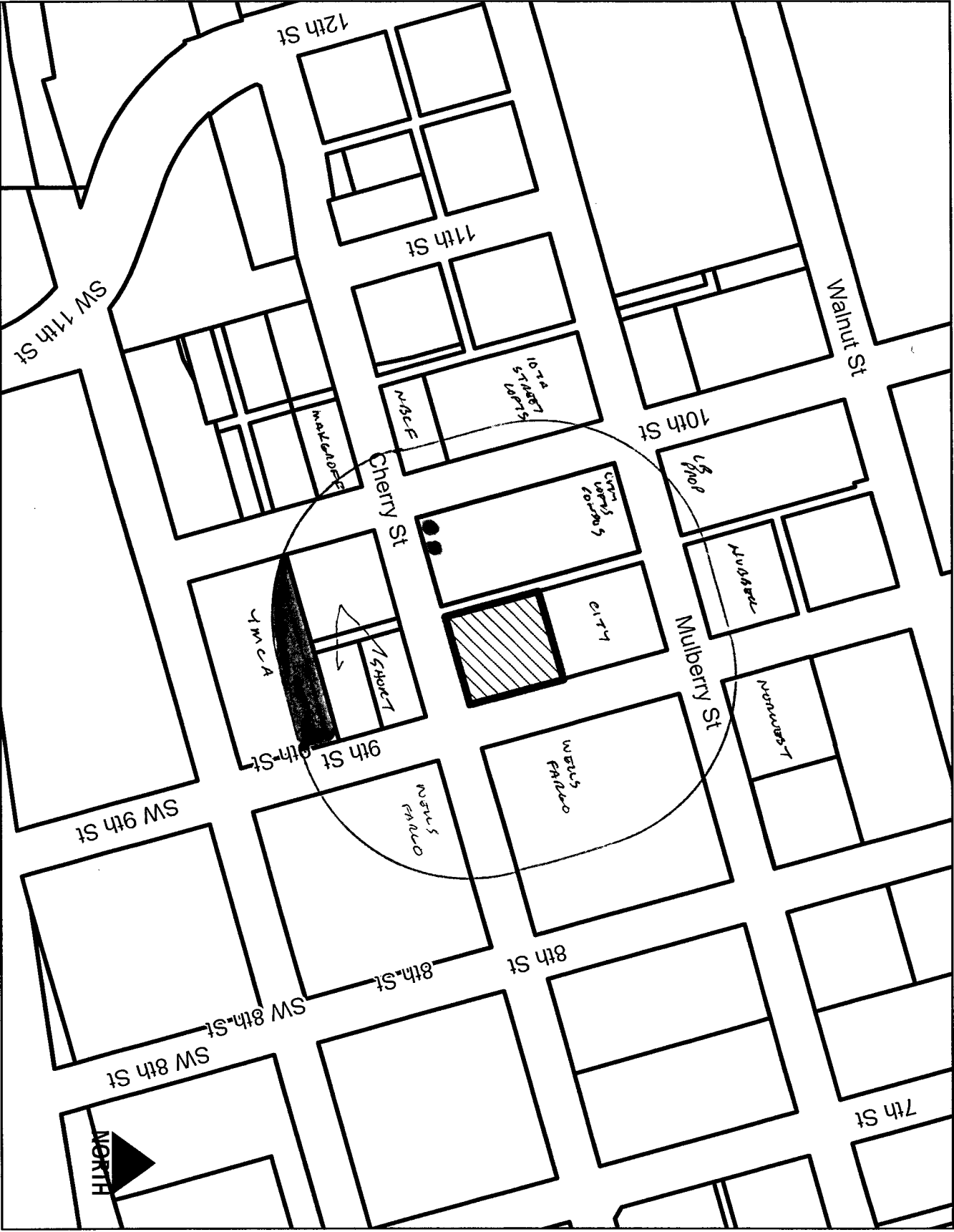
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

City Council Initiated (Central Fire Station No. 1) - vicinity of 900 Mulberry Street



City Council initiated request to rezone property located at 900 Mulberry Street.				File #	
				ZON2012-00185	
Description of Action	Approval to rezone from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District, to allow reuse of the existing Central Fire Station No.1 for the Des Moines Social Club with theater, restaurant, and nightclub assembly venues.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-3A" Central Business District Support Commercial District				
Proposed Zoning District	"C-3" Central Business District Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	0			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

City Council Initiated (Central Fire Station No. 1) - vicinity of 900 Mulberry Street

ZON2012-00185



November 7, 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 November 1, 2012, the following action was taken regarding a City Council initiated request to rezone property located at 900 Mulberry Street from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 Stogdill	X			

APPROVAL of Part A) to find the requested rezoning is **not** in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Downtown: Support Commercial; Part B) approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Downtown: Support Commercial to Downtown: Retail/Office Core/Core Fringe; and Part C) approval of the rezoning from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District: (ZON2012-00185 & 20-2012-4.16)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the rezoning be found not in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Downtown: Support Commercial.



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 an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Downtown: Support Commercial to Downtown: Retail/Office Core/Core Fringe.

Part C) Staff recommends approval of the rezoning from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would bring the entire fire station site under a common zoning district. The north half of the site (including the fire station building) is already zoned "C-3" whereas the south half of the site (including the maintenance building) is zoned "C-3A". The proposed rezoning to "C-3" District would eliminate the need to provide off-street parking as required in the "C-3A" District for the uses proposed by the Des Moines Social Club.

The City Council initiated this rezoning on October 8, 2012 by Roll Call No 12-1588 so that the entire property would be subject to the "C-3" Central Business District Commercial District regulations to accommodate the redevelopment and improvement of the Fire Station No.1 for the Des Moines Social Club with theater, restaurant, and nightclub assembly venues.

- 2. Existing Zoning (site):** "C-3A" Central Business District Support Commercial District, "D-O" Downtown Overlay District and "GGP" Gambling Games Prohibition Overlay District.
- 3. Existing Land Use (site):** The site contains a parking lot, a 53-foot by 100-foot (5,300 square feet) maintenance building, and a "tripod" communications tower.
- 4. Adjacent Land Use and Zoning:**
 - North** – "C-3", Use is Central Fire Station No.1.
 - South** – "C-3B", Uses are Cherry Street right-of-way and West End Architectural Salvage.
 - East** – "C-3", Uses are 9th Street right-of-way and Wells Fargo parking garage.
 - West** – "C-3A", Use is the City Lofts Condominiums.
- 5. General Neighborhood/Area Land Uses:** The subject property is located in the central business district in an area generally consists of a mix of residential, office, and warehouse uses.
- 6. Applicable Recognized Neighborhood(s):** The subject property is within the Downtown Des Moines Neighborhood. This neighborhood was notified of the meeting

by mailing of the Preliminary Agenda to all recognized neighborhoods on October 12, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on October 12, 2012 (20 days prior) and October 22, 2012 (10 days prior to the scheduled hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 26, 2012.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood Association mailings were sent to Jonathan Brendemuehl, 119 4th Street #108, Des Moines, IA 50309.

Prior to the public hearing on the rezoning, a neighborhood meeting should be held where representatives of the Downtown Des Moines Neighborhood Association and surrounding property owners within 250 feet are invited. A summary of the meeting will be provided at the public hearing.

7. Relevant Zoning History: N/A.

8. 2020 Community Character Land Use Plan Designation: Downtown: Support Commercial.

9. 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. Site Plan Requirement: Any future redevelopment of the subject property would be subject to City's site plan requirements with regard to stormwater, landscaping, urban design, etc.

2. 2020 Community Character Plan: Staff believes the request to amend the existing future land use designation from Downtown: Support Commercial to Downtown: Retail/Office Core/Core Fringe proposed "C-3" District is appropriate given the site's location in the downtown central business district. The proposed "C-3" District would be consistent with the proposed Downtown: Retail/Office Core/Core Fringe land use designation.

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION:

Shirley Daniels moved staff recommendation Part A) to find the proposed rezoning is not in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Downtown: Support Commercial; Part B) approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Downtown: Support Commercial to Downtown: Retail/Office Core/Core Fringe; and Part C) approval of the rezoning from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2012 00185

Date 10/25/12

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

(Circle One)



Print Name HECITY LOFTS #406 LLC

Signature Lu W. K. Olach, Pres.

Address 111 10TH ST, #406
DES MOINES, IA 50309

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

WE THINK THIS ECONOMICALLY AND
SOCIALLY ENHANCES THIS NEIGHBORHOOD

Item 2012 00185

Date 10-24-12

19

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

(Circle One)



Print Name WADE RIEDINGER - YMLA

Signature [Handwritten Signature]

Address 2 SW 9TH ST.

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

Four horizontal lines for text entry.

Item 2012 00185

Date 10/24/2012

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

(Circle One)



Print Name DON WESTERHEIM

Signature [Handwritten Signature]

Address 111 10th STREET #304, 50309

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

Handwritten text: "With proper restrictions on noise, etc., I believe it will be a good addition to the neighborhood." followed by three horizontal lines.