



Date December 23, 2013

RESOLUTION SETTING HEARING ON A REQUEST FROM UNIVERSITY GROUP, L.L.C., REPRESENTED BY JEFF SPENCE (OFFICER), TO REZONE PROPERTY LOCATED AT 1414 FREMONT STREET, TO ALLOW REDEVELOPMENT OF THE PROPERTY FOR A COMMERCIAL CENTER

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2013, a motion was passed on a vote of 13-0 to recommend APPROVAL of a request from University Group, L.L.C. (applicant), represented by Jeff Spence (officer), to rezone Property owned by Des Moines Public Schools and located at 1414 Fremont Street from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification, to allow redevelopment of the property for a commercial center, subject to the following conditions:

- a) The Property shall be subject to the "VDL" Vehicle Display Lot Overlay District regulations.
b) The following uses of land and structures shall be prohibited upon the Property:
1) Adult entertainment businesses;
2) Delayed deposit services;
3) Garages for general motor vehicle repair;
4) Liquor stores, taverns and nightclubs;
5) Off-premises advertising signs;
6) Pawnbrokers.
c) Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

WHEREAS, the Property is more specifically described as follows:

West 1/2 of Lot 3, Block 33, Stewarts 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 January 13, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.



Roll Call Number

Agenda Item Number

16

Date December 23, 2013

- 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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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(ZON2013-00185)

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

CERTIFICATE

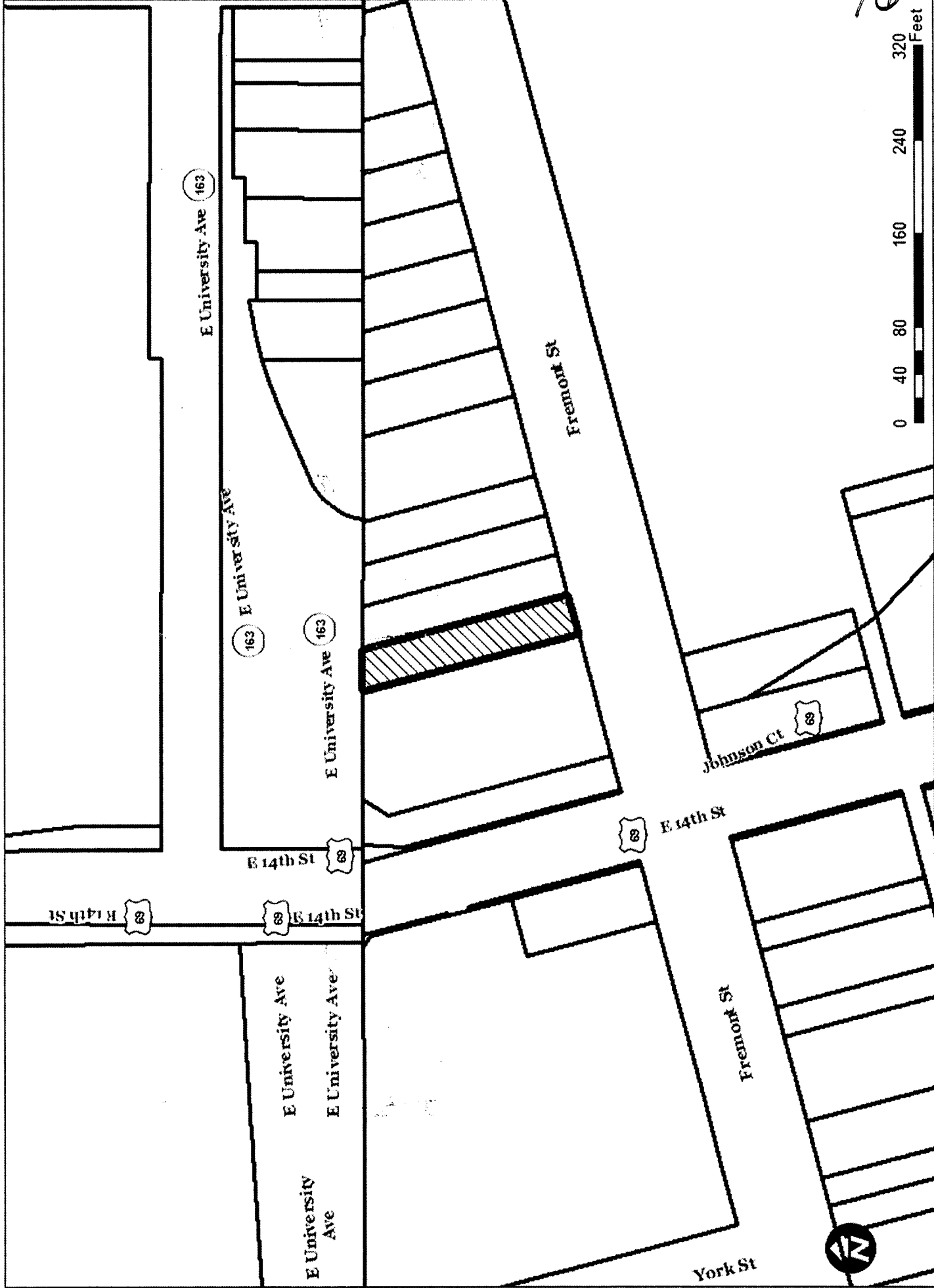
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

Mayor

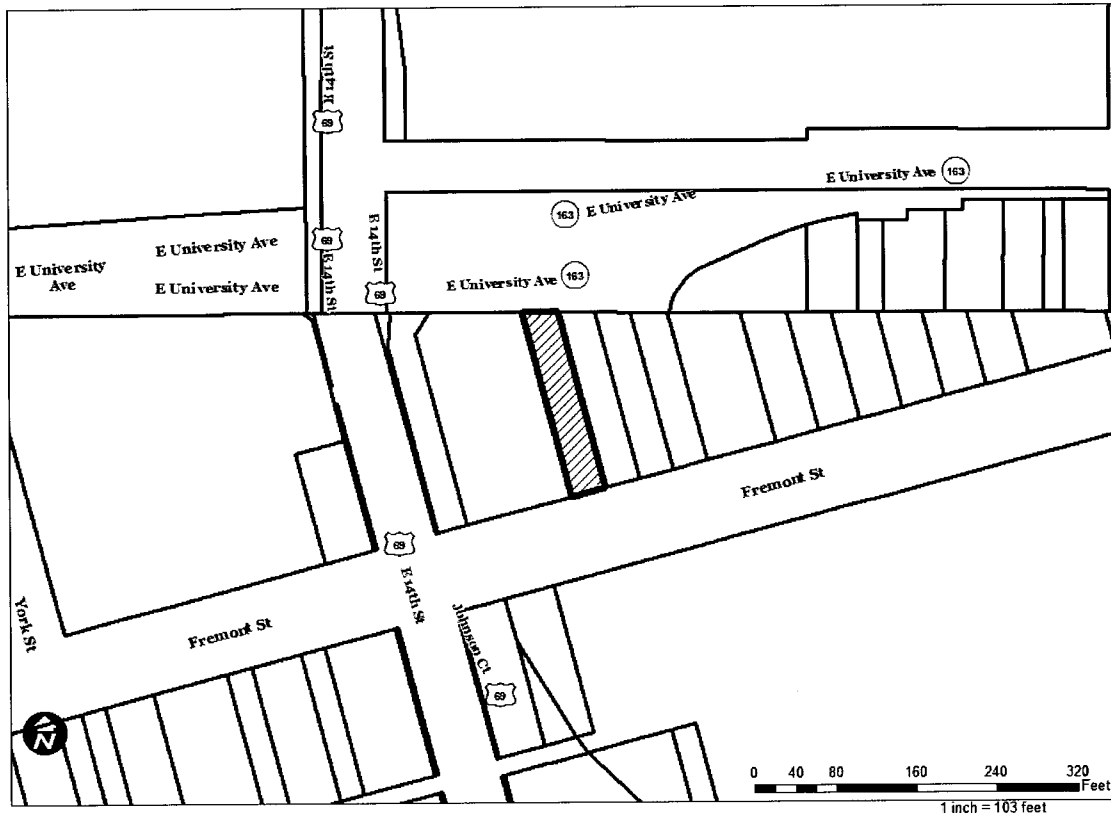
City Clerk



Request from University Group, LLC (owner) represented by Jeff Spence (officer) at 1414 Fremont Street. The subject property owner is Des Moines Public Schools.			File # 21-2013-4.23	
Description of Action	Amend the Des Moines' 2020 Community Character Plan to revise the existing future land designation from Public/Semi-Public to Commercial: Auto-Oriented, Community Commercial.			
2020 Community Character Plan	Public/Semi-Public (current) Commercial: Auto-Oriented, Community Commercial (proposed)			
Horizon 2035 Transportation Plan	None			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	"C-2" General Retail and Highway Oriented Commercial			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

University Group, LLC, 1414 Fremont Street

21-2013-4.23



December 11, 2013

Date _____

Agenda Item 16

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 December 5, 2013, the following action was taken regarding a request from University Group, LLC (owner) represented by Jeff Spence (officer) to rezone property located at 1414 Fremont Street. The subject property owner is Des Moines Public Schools.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			



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

APPROVAL to find the proposed rezoning is not in conformance with the Des Moines' 2020 Community Character Plan; to the Des Moines' 2020 Community Character Plan; approval that the Des Moines' 2020 Community Character Plan be amended to revise the current future land use designation from Public/Semi-Public to Commercial: Auto-Oriented, Community Commercial; and approval of the requested rezoning to the "C-2" District subject to the property owner agreeing to the following conditions:

(21-2013-4.23 & ZON2013-00185)

1. Extension of the VDL Vehicle Display Lot Overlay District onto the subject property from the East 14th Street corridor.
2. Prohibition of the use of the property for adult entertainment business, delayed deposit services, garage for general motor vehicle repair, liquor stores, off-premises advertising signs, pawnbrokers, and taverns and nightclubs.

3. Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends that the Des Moines' 2020 Community Character Plan be amended to revise the current future land use designation from Public/Semi-Public to Commercial: Auto-Oriented, Community Commercial.

Part B) Staff recommends approval of the requested rezoning to the "C-2" District subject to the property owner agreeing to the following conditions:

1. Extension of the VDL Vehicle Display Lot Overlay District onto the subject property from the East 14th Street corridor.
2. Prohibition of the use of the property for adult entertainment business, delayed deposit services, garage for general motor vehicle repair, liquor stores, off-premises advertising signs, pawnbrokers, and taverns and nightclubs.
3. Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to assemble the subject property, along with adjoining vacant commercial property to the west, for development of a commercial center.

2. **Size of Site:** 6,414 square feet.

3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.

4. **Existing Land Use (site):** Vacant land.

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

North – "R1-60 & R-2A", Use is Hiatt Middle School.

South – "R1-60", Uses undeveloped land used for athletic practice fields for East High School.

East – "R1-60", Use is single-family dwellings.

West – "C-2", Use is vacant land developed with dilapidated paved surface from former commercial development.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southeast corner of the East 14th Street and East University commercial corridors.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Martin Luther King, Jr. Park Neighborhood and within 250 feet of the Capitol East Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on November 15, 2013. Additionally, separate notifications for this specific item were mailed on November 15, 2013 (20 days prior to the hearing) and November 25, 2013 (10 days prior to the hearing) to the Martin Luther King, Jr. Park and Capitol Park neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet. 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 Martin Luther King, Jr. Park Neighborhood Association mailings were sent to Curt Wagner, 1377 Hutton Street, Des Moines, IA 50316. The Capitol East Neighborhood Association mailings were sent to Marylyn Bruce, 833 Walker Street, Des Moines, IA 50316. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on November 27, 2013.

The applicant is responsible for conducting a neighborhood meeting inviting representatives of the Martin Luther King, Jr. Park and Capitol Park Neighborhood Association and surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public.
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 INFORMATION

1. **Natural Features:** The subject property is vacant but has several mature trees remaining after a previous single-family dwelling was located on the subject property. Any site development shall be in accordance with Tree Protection and Mitigation Ordinances of the City.
2. **Utilities:** There is direct access to a public sanitary sewer main and Des Moines Water Works water main for the property within the center of Fremont Street. There is not direct access to any public storm sewer from the subject property. However, the adjoining commercial property to the west has direct access to an adjacent public storm sewer intake within East 14th Street, allowing the subject property to be developed in conjunction with that property.
3. **Drainage/Grading:** Any future site development will be required to conform with all storm water management standards in the Site Plan policies.

4. **Landscaping:** With approval of the requested rezoning, any redevelopment of the property will require landscaping in accordance with "C-2" District design guidelines. Additional plant material beyond these minimums may be required as part of mitigation for any tree removals.
5. **Traffic/Street System:** Vehicular access is available to the property from Fremont Street, East 14th Street, and East University Avenue. The latter two accesses would be limited to right-in/right-out access due to existing median improvements in East 14th Street and East University Avenue. The adjoining residence to the east has partial vehicular driveway access onto the subject property to Fremont Street. Staff recommends that any rezoning be subject to preserving this access with future commercial development.
6. **2020 Community Character Plan:** The subject property was designated Public/Semi-Public in anticipation of redevelopment by the Des Moines Public Schools. In order to allow commercial redevelopment, it is necessary to amend the future land use designation to the Commercial: Auto-Oriented, Community Commercial designation of the adjoining corridor to the west. Staff believes that this is appropriate as a minimal expansion of the property along the corridor to accommodate necessary depth for commercial redevelopment. Staff then believes that the VDL Vehicle Display Lot Overlay District, prohibiting new vehicle display lot businesses, should also be expanded to include the subject property in that instance.

Because the subject property would continue to adjoin remaining single-family dwellings, there are other uses of the subject property that would not be appropriate for the site redevelopment including adult entertainment business, delayed deposit services, garage for general motor vehicle repair, liquor stores, off-premises advertising signs, pawnbrokers, and taverns and nightclubs. Staff recommends that the property owner agree to prohibit these uses as a condition of rezoning the property.

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:

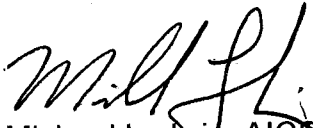
Shirley Daniels moved staff recommendation to find the requested rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan; to amend the Des Moines' 2020 Community Character Plan to revise the current future land use designation from Public/Semi-Public to Commercial: Auto-Oriented, Community Commercial and to approve the requested rezoning to the "C-2" District subject to the property owner agreeing to the following conditions:

1. Extension of the VDL Vehicle Display Lot Overlay District onto the subject property from the East 14th Street corridor.

2. Prohibition of the use of the property for adult entertainment business, delayed deposit services, garage for general motor vehicle repair, liquor stores, off-premises advertising signs, pawnbrokers, and taverns and nightclubs.
3. Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment