

Date March 24, 2014

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 320 Creighton Avenue from the "R1-60" One-Family, Low-Density Residential District to the "C-O" Commercial Residential District classification, and repealing Ordinance No. 15,266",

presented.

WHEREAS, on March 10, 2014, by Roll Call No. 14-0425, the City Council closed the public hearing on the request from Catholic Health Initiative – Iowa Corporation to rezone property it owns in the vicinity of 320 Creighton Avenue; and,

WHEREAS, by Ordinance No. 15,266 passed March 10, 2014, the City Council intended to rezone the property at 320 Creighton Avenue from the "R1-60" One-Family, Low-Density Residential District to the "C-O" Commercial Residential District classification, but such ordinance incorrectly described the property to be rezoned; and,

WHEREAS, the purpose of this action is to repeal and replace Ordinance No. 15,266 with an ordinance which properly describes the property to be rezoned.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:


Roger K. Brown, Assistant City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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.

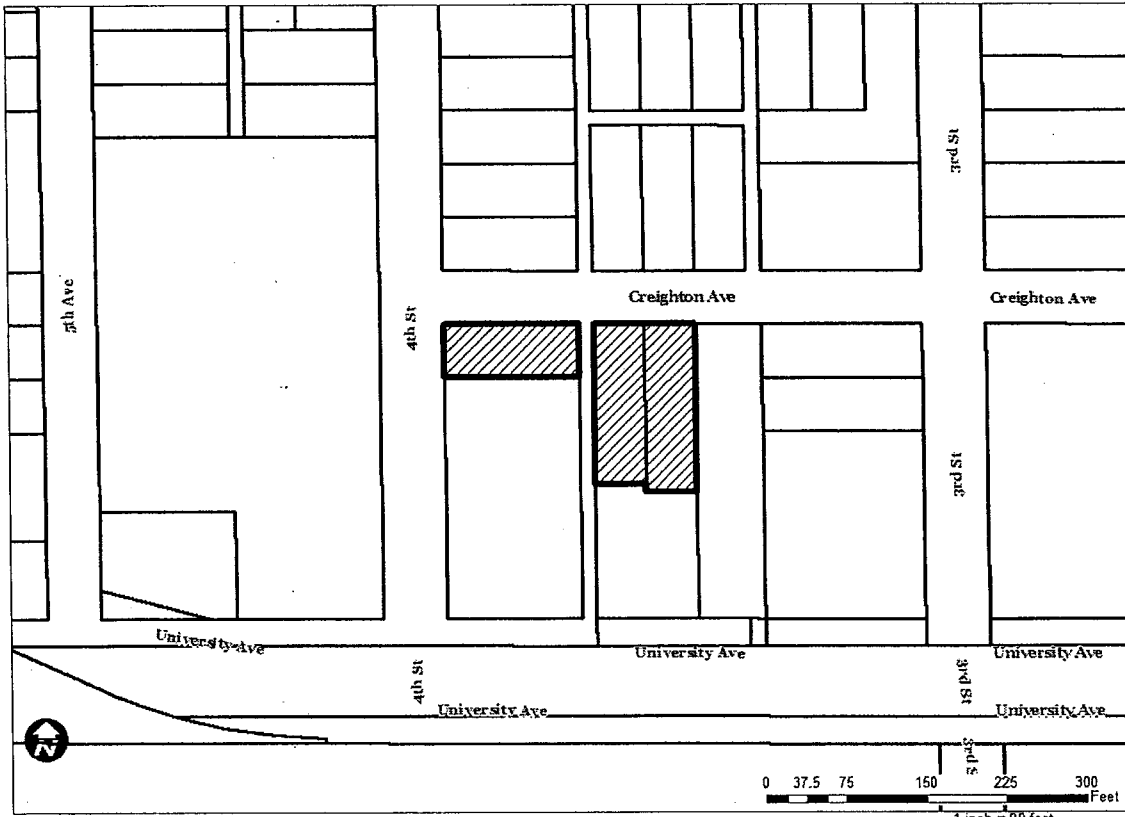
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) for property in the vicinity of 320 Creighton Avenue.			File # ZON2013-00204	
Description of Action	Rezone from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties.			
2020 Community Character Plan	Low/ Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor. (current) Public/Semi-Public. (proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	"C-0" Commercial Residential District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial			No

Catholic Health Initiative, Vicinity of 320 Creighton Avenue

ZON2013-00204



**CITY OF DES MOINES PLAN & ZONING COMMISSION
STAFF REPORT AND RECOMMENDATION
Thursday, February 6, 2014**

AGENDA ITEMS #4A - #4C **21-2013-4.28 & ZON2013-00204**

Applicant: Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer).

Location: Vicinity of 320 Creighton Avenue.

Requested Action: Part A) Determination as to whether the proposed rezoning is in conformance with the Des Moines’ 2020 Community Character Plan.

Part B) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public.

Part C) Rezone from “R1-60” One-Family Low-Density Residential District to “C-0” Commercial-Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties.

This item was continued from the January 16, 2014 meeting of the Commission at the request of the applicant to allow time for a neighborhood meeting to be held.

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to develop an accessory maintenance garage on the northern portion of the split- zoned property in an area where paved off-street parking has already been extended. They also seek to bring additional off-street parking area already developed within the residential zoned property into conformance with zoning. The proposed “C-0” District allows hospital, office, and accessory uses.
- 2. Size of Site:** Approximately 21,475 square feet (0.49 acres).
- 3. Existing Zoning (site):** “R1-60” One-Family Low Density Residential District.
- 4. Existing Land Use (site):** The subject property is currently developed with paved off-street parking in support of the adjoining office use and the greater Mercy Hospital complex.
- 5. Adjacent Land Use and Zoning:**
North – “R1-60”, Uses are single-family dwellings.

South – “C-2”, Use is Mercy University Office Plaza.

East – “R1-60”, Uses are off-street parking and single-family dwellings.

West – “C-2” & “PUD”, Uses are off-street parking and an assisted living residential facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of the University Avenue corridor around the Mercy Hospital complex.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the River Bend Neighborhood and within 250 feet of the Cheatom Park Neighborhood to the west. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on January 17, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on December 27, 2013 (20 days prior to original scheduled hearing) and January 6, 2014 (10 days prior to the original scheduled hearing) to the River Bend Association and Cheatom Park Neighborhood Association contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 31, 2014.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The River Bend Association mailings were sent to Mike Hildebrand, 410 Franklin Avenue, Des Moines, IA 50315. The Cheatom Park Neighborhood mailings were sent to Don Curry, 1189 10th Street, Des Moines, IA 50314.

The applicant is required to schedule a neighborhood meeting prior to the hearing which includes invitation to neighborhood contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Due to the holiday schedule and weather issues, the applicant requested a continuance in order to successfully schedule a neighborhood meeting. The Commission continued the item to the February 6, 2014 meeting.

The applicant held a neighborhood meeting opportunity on January 22, 2014; however, there was nobody in attendance. Communication was made by the applicant with the River Bend Association representation. No issues were identified by them to the applicant.

8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor.
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. **Parking/Access:** The applicant proposes to construct a 35-foot by 40-foot garage for accessory maintenance storage. This would displace some existing parking that serves the office plaza property at 323 University Avenue. A Site Plan will be required for the development of the new building and to reconfigure the remaining parking and drive circulation. No changes to existing access drives from University Avenue and Creighton Avenue are proposed. The proposal is not expected to deprive any existing building of its minimum required parking spaces.
2. **Des Moines 2020 Community Character Plan:** The subject property has two designations: Low Density Residential and Commercial Corridor. Both of these designations reflected the existing development pattern at the time. Mercy Hospital has continued to assemble property surrounding the hospital complex to gradually expand ancillary services and medical offices in support of the hospital. Staff believes based on this that it would be appropriate to extend the Public/Semi-Public future land use designation for the subject property and intervening contiguous property owned by the hospital. This would allow for the proposed rezoning yet restrict the future rezoning to districts in support of the hospital.

III. STAFF RECOMMENDATION

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

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public.

Part C) Staff recommends approval of the requested rezoning to "C-0" Commercial-Residential District.

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 320 Creighton Avenue from the "R1-60" One-Family, Low-Density Residential District to the "C-O" Commercial Residential District classification, and repealing Ordinance No. 15,266.

WHEREAS, on March 10, 2014, by Roll Call No. 14-0425, the City Council closed the public hearing on the request from Catholic Health Initiative – Iowa Corporation to rezone property it owns in the vicinity of 320 Creighton Avenue and more specifically described below; and,

WHEREAS, by Ordinance No. 15,266 passed March 10, 2014, the City Council intended to rezone the property at 320 Creighton Avenue and more specifically described below, from the "R1-60" One-Family, Low-Density Residential District to the "C-O" Commercial Residential District classification, but such ordinance incorrectly described the property to be rezoned.

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

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 320 Creighton Avenue, more fully described as follows, from the "R1-60" One-Family, Low-Density Residential District to the "C-O" Commercial Residential District classification:

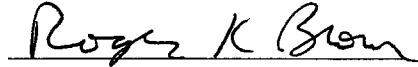
Lots 101, 110 and 111 and the North 1/2 of the vacated East/West alley right-of-way lying South of and adjoining said Lots 110 and 111, in RUTHERFURD HEIGHTS, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 3. Ordinance No. 15,266 passed March 10, 2014, is hereby repealed and replaced by this ordinance.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney