



Date January 26, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM WESLEY COMMUNITY SERVICES, INC. (OCCUPANT), REPRESENTED BY ROB KRETZINGER (OFFICER), TO REZONE PROPERTY LOCATED AT 944 18TH STREET FROM "C-0" COMMERCIAL-RESIDENTIAL DISTRICT TO LIMITED "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Wesley Community Services, Inc. (occupant), represented by Rob Kretzinger (officer), to rezone real property locally known as 944 18th Street ("Property") from "C-0" Commercial-Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow "C-0" District permitted uses and limousine/taxi dispatching use only, subject to the owner agreeing to the following conditions:

1. The Property shall be brought into conformance with the City's Landscaping Standards for the "C-2" District;
2. Any trash enclosure shall be constructed of masonry walls with solid steel gates; and
3. Use of the Property shall be limited to permitted uses in the "C-0" Commercial-Residential District and limousine/taxi dispatching use; and

**WHEREAS**, the Property is legally described as follows:

The South 3.5 feet of Lot 16, all of Lots 17, 18, 19, 20 and 21, and the East ½ of the north-south alley lying west of and adjacent to said South 3.5 feet of Lot 16 and all of Lots 17 through 21 inclusive, all in BUTLER'S ADDITION TO DES MOINES, an Official Plat, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 February 9, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.



Roll Call Number

Agenda Item Number

23

Date January 26, 2015

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MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2014-00233)

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



January 21, 2015

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 January 15, 2015, the following action was taken regarding a request from Wesley Community Services, Inc. (owner) represented by Rob Kretzinger (officer) to rezone property located at 944 18<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill				X
Greg Wattier	X			

**APPROVAL** of staff recommendation that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan and **APPROVAL** of the requested rezoning to a Limited "C-2" General Retail and High-Way Oriented Commercial District, subject to the following conditions: (ZON2014-0233)

1. The site shall be brought into conformance with the City's Landscaping Standards for the "C-2" District.



2. Any trash enclosure shall be constructed of masonry walls with solid steel gates.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning to Limited "C-2" General Retail and High-Way Oriented Commercial District subject to the following conditions:

1. The site shall be brought into conformance with the City's Landscaping Standards for the "C-2" District.
2. Any trash enclosure shall be constructed of masonry walls with solid steel gates.

### Written Responses

0 In Favor

1 In Opposition

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The subject property contains a food delivery service (Meals on Wheels), a non-emergency transportation service and medical offices. The license for operating a non-emergency transportation service allows for the transportation of wheelchair bound individuals only. The applicant wishes to offer transportation services to all tenants of their retirement facilities, which requires the same licensing as limousine services by the State. This expansion of scope necessitates the proposed rezoning to a zoning district that allows this classification of use.
2. **Size of Site:** 31,714 square feet (0.728 acres).
3. **Existing Zoning (site):** "C-0" Commercial-Residential District.
4. **Existing Land Use (site):** Office and Meals on Wheels food deliver service.
5. **Adjacent Land Use and Zoning:**  
*North* – "R-3", Use is the Interstate 235 corridor.  
*South* – "R-3", Use is a surface parking lot.  
*East* – "C-0", Use is multiple-family residential.  
*West* – "C-0", Use is an office building.
6. **General Neighborhood/Area Land Uses:** The subject property is located near the Martin Luther King Jr. Parkway and Interstate 235 interchange at the northern perimeter of the Sherman Hill Neighborhood. The property is not located in the Sherman Hill Local Historic District.

7. **Applicable Recognized Neighborhood(s):** The subject property is within the Sherman Hill Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on December 24, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on December 24, 2014 (20 days prior to original scheduled hearing) and January 5, 2015 (10 days prior to the original scheduled hearing) to the Sherman Hill Neighborhood Association contact 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 9, 2015.
8. 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 Sherman Hill Neighborhood Association mailings were sent to Ryan Howell, 831 16<sup>th</sup> Street, Des Moines, IA 50314.
9. **Relevant Zoning History:** N/A.
10. **2020 Community Character Land Use Plan Designation:** Mixed Use and Density Residential. This designation is described as areas developed with a mix of densities and some limited retail and office. A mix of single family, duplex, small multi-family as well as developments over 17 units per net acre are encouraged.
11. **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 Development:** Staff believes the subject property should be brought into conformance with current landscaping standards and that a new trash enclosure structures should be constructed. The existing enclosure is in disrepair.
2. **Parking:** The Zoning Ordinance requires 1 off-street parking space per 400 square feet of gross floor area for the proposed and existing uses. A total of 16 parking spaces are required for the 6,476-square foot building. The site has at least 22 spaces. There appears to be additional spaces but staff could not confirm they are Zoning Code compliant due to snow.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.



JoAnne Corigliano asked if the meal delivery business is going to stay in this building.

Erik Lundy stated he would let the applicant address this question but he believes the same functions before the proposal will continue and this would be an additional function that would go on.

Tim Fitzgerald asked if additional parking spaces are required.

Erik Lundy stated the parking is generated based on the area of the building. They are not adding on to the building. There may be a need to park their business vehicles overnight. The parking is a common problem for the Sherman Hills Neighborhood. They meet the maneuvering requirement and provide the number of spaces for the building.

Kevin Conroy Director of Wesley Wheels 944 18<sup>th</sup> Street stated they are trying to get a limousine license which would be the next step for their growth. Currently, they run under a para-transit license which enables them to move people that are in wheelchairs. Their target market is the elderly and the approval of this request would allow them to expand their market place to provide services to those who are elderly and also mobility challenged that might not be in the wheelchair. 90% of the things they do are medical related getting them to and from doctor appointments.

Greg Jones asked is this going to add vehicles.

Kevin Conroy stated they will be utilizing the vehicles they currently have. He does see at some point growth and additional vehicles but think that at that time they will be looking at another location for parking those vehicles. Stated that Meals on Wheels will continue to operate from this building. However, because of the limited space in that building if they have more growth they will have to look for another location.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Tim Fitzgerald moved staff recommendation that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan and approval of the requested rezoning to a Limited "C-2" General Retail and High-Way Oriented Commercial District subject to the following conditions:

1. The site shall be brought into conformance with the City's Landscaping Standards for the "C-2" District.

2. Any trash enclosure shall be constructed of masonry walls with solid steel gates

Motion passed 10-0.

Respectfully submitted,

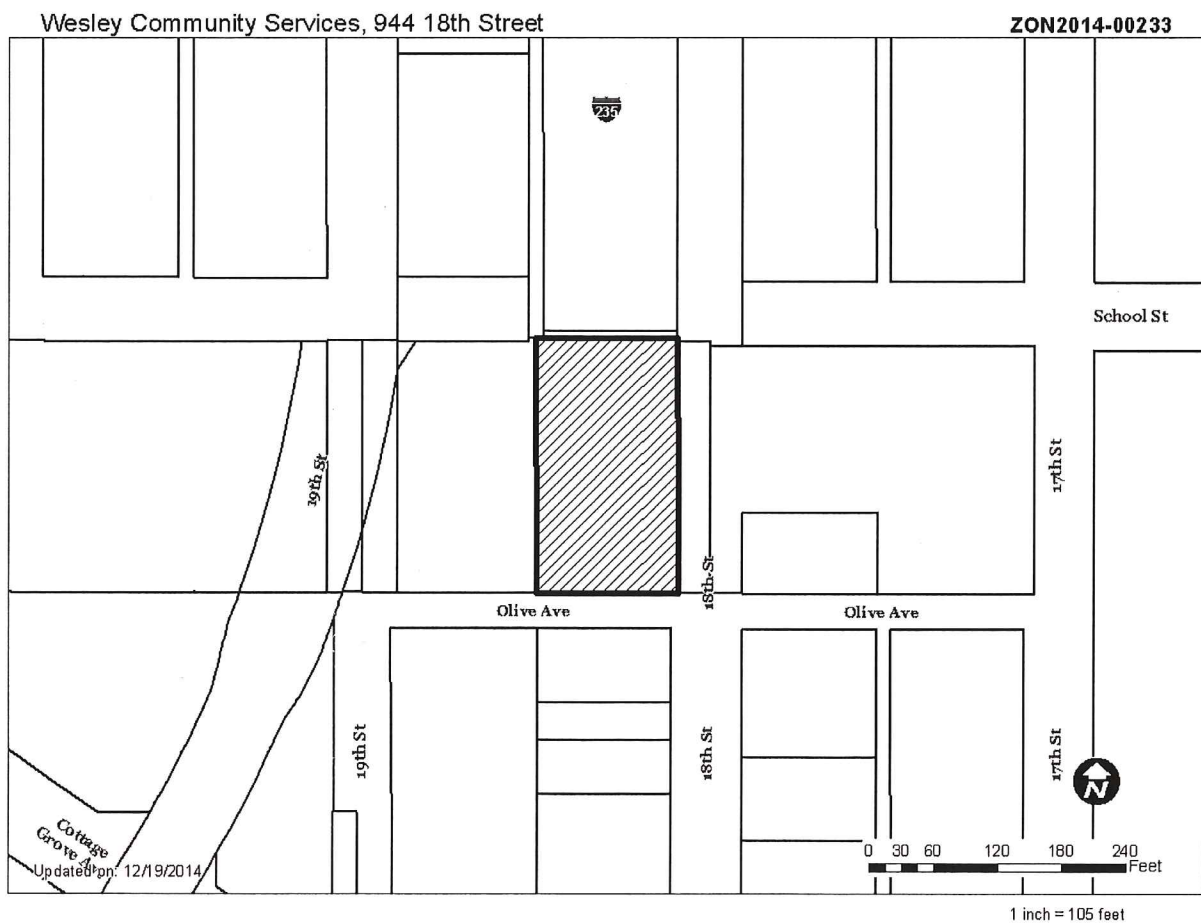
A handwritten signature in dark ink, appearing to read "M. G. Ludwig", written in a cursive style.

Michael G. Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Request from Wesley Community Services, Inc. (owner) represented by Rob Kretzinger (officer) for property located at 944 18th Street				File #	
				ZON2014-00233	
Description of Action		Approval of request to rezone property from "C-0" Commercial-Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow "C-0" District permitted uses and limousine/taxi dispatching use only, subject to conditions.			
2020 Community Character Plan		Current: Mixed-Use and Density. Proposed: N/A.			
Horizon 2035 Transportation Plan		2005-2010: Realign 19 <sup>th</sup> Street to 3 lanes and convert to one-way traffic.			
Current Zoning District		"C-0" Commercial-Residential District.			
Proposed Zoning District		Limited "C-2" General Retail and Highway-Oriented Commercial District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area			1		
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X





ZON2014-00233

Item Wesley Comm

Date 1/9/15

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

(Circle One)

Print Name CYNTHIA KAMMEIER

Signature 

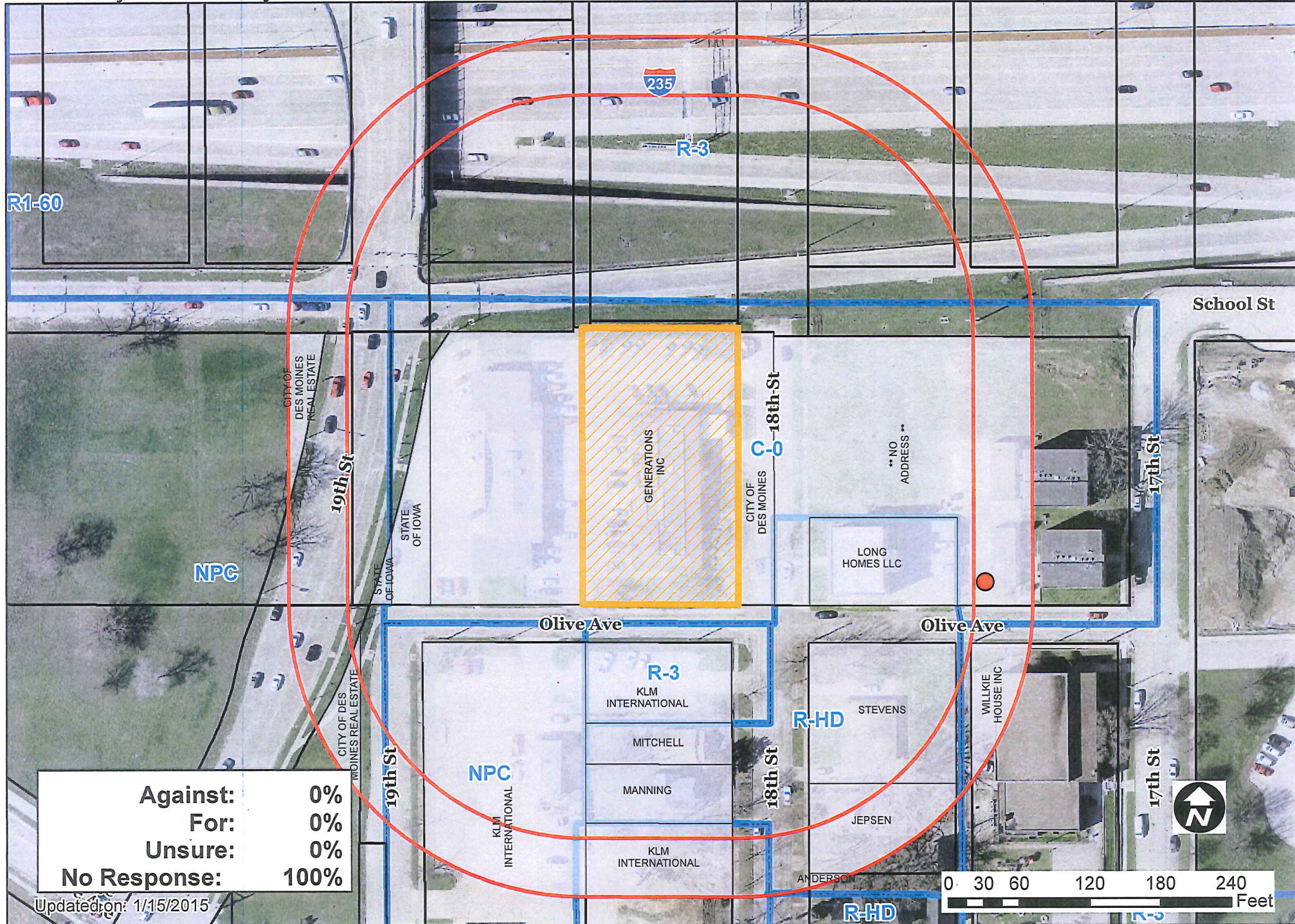
Address 1717 OLIVE AVE

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

Apt AG

Do not want added  
traffic in our neighborhood





Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 1/15/2015