

Date February 9, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM PERCOL HOLDINGS, LLC (OWNER), REPRESENTED BY JULIAN CASELLI (OFFICER), TO REZONE PROPERTY LOCATED AT 4006 GRAND AVENUE FROM "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND "R1-80" ONE-FAMILY RESIDENTIAL DISTRICT TO LIMITED "C-0" COMMERCIAL-RESIDENTIAL DISTRICT

WHEREAS, on January 26, 2015, by Roll Call No. 15-0108, the City Council received and filed a communication from the City Plan and Zoning Commission stating that its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from PerCol Holdings, LLC (owner), represented by Julian Caselli (officer), to rezone real property locally known as 4006 Grand Avenue ("Property") from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to Limited "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family residential dwelling to a professional office use, subject to the owner agreeing to the following conditions:

1. Any future additions, exterior building modifications or site improvements on the Property shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved by the Planning Administrator, and Community Development staff will request courtesy review and comments from the Des Moines Historical Preservation Commission prior to issuance of permits;
2. Any additions shall be constructed to the rear of the existing primary building on the Property; and
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard of the Property; and

WHEREAS, on January 26, 2015, by Roll Call No. 15-0108, it was duly resolved by the City Council that the application of PerCol Holdings, LLC (owner) to rezone the Property, as legally described below, be set down for hearing on February 9, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 4006 Grand Avenue, legally described as:

Lot 1 in BRAY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, except that portion of said Lot 1 of BRAY PLACE which adjoins Lots 2 and 3 of said BRAY PLACE, bounded as follows: Beginning at a point on the boundary line between said Lots 1 and 3 of BRAY PLACE, thence 3 feet northeasterly at a right angle to the east lot line of Lot 3, thence at a right angle northwesterly on a straight line parallel with the boundary line

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between said Lots 1 and 3 until said straight line intersects with the west line of said Lot 1, thence south and southeasterly along the boundary line between said Lots 1 and 2 and Lots 1 and 3 to the point of beginning

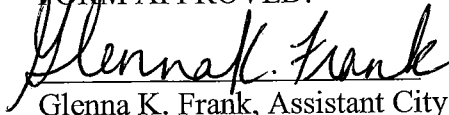
from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to Limited "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family residential dwelling to a professional office use, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any and all objections to the proposed rezoning of the Property to Limited "C-0" Commercial-Residential District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-0" Commercial-Residential District with conditions as set forth above is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2014-00229)

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

City Clerk

Mayor

January 22, 2015

Dear Des Moines Mayor Cownie and City Council Members,

The Salisbury Oaks Neighborhood Association Board and the North of Grand Board support the staff recommendation to approve the rezoning of 4006 Grand Avenue with the conditions approved by the Plan and Zoning Commission.

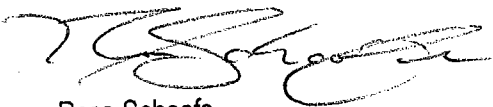
We are very pleased that the applicant is choosing to invest significantly in this property. The applicant sent letters and openly discussed the project with adjacent residents and neighborhood leaders. He continues to respond to inquiries and listen to feedback, some of which have been addressed in the staff report.

We want to collaborate with the current and future owners of 4006 Grand Avenue to retain the long-term visual and community character of Grand Avenue. We respectfully request that the City Council and city staff recognize and provide guidance to the applicant about:

- a) exterior lighting;
- b) on-premise signage;
- c) reduced parking requirements; and
- d) limit allowable use to sub-section (5) of Sec. 134-807 of Division 16 of the Zoning Ordinances (see Enclosure 1).

The concerns are not intended in any way to obstruct this process. Rather, we want only to place on record some items we believe should be addressed, and ask that we will have an opportunity to be informed and provide some input during the ZBOA variance process and site plan review and approval process. Please contact us if you have any questions. Thank you for this consideration.

Sincerely,



Ross Schoofs
Salisbury Oaks Neighborhood Association
President
443 Tonawanda Drive
Des Moines, IA 50312
ross@adventurelandpark.com



Colleen Kinney
North of Grand Neighborhood Association
President
P.O. Box 12027
Des Moines, IA 50312
northofgrandpresident@gmail.com

Enclosure 1: Municipal Code Division 16

• **Sec. 134-807. - Principal permitted uses.**

Only the following uses of structures or land shall be permitted in the C-0 commercial-residential district:

- (1) Any use permitted in and as limited in the R-3 district.
- (2) Hospitals, both public and private.
- (3) Clinics or group medical centers, including dental clinics, but not including animal clinics or hospitals.
- (4) The office of a doctor, dentist, osteopath, chiropractor, optometrist, chiropodist, or similar profession.
- (5) Business and professional offices including the following: Law, engineering, architecture, real estate, insurance, accounting and bookkeeping, and similar uses, but not including uses involving retail sales or nonprofessional services.
- (6) Labor union offices, excepting those which are ordinarily used as assembly halls or as employment offices for their members.
- (7) Funeral homes and mortuaries.
- (8) Beauty shops and barbershops.
- (9) The studio of a professional photographer, provided that all photography shall be done by a professional photographer and no retail sales shall be permitted except those which are incidental to the services of a professional photographer.

(O.7226, 7380, 10,194, 10,602, 10,849, 11,376, 11,713, 11,758, 11,898, 13,124; C91, § 2A-15(A))