



Date July 11, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM CHILDREN AND FAMILIES OF IOWA TO REZONE PROPERTY LOCATED AT 1011 PARK AVENUE

WHEREAS, on June 27, 2016, by Roll Call No. 16-1049, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Children and Families of Iowa (owner), represented by Janice Lane (officer), to rezone property located at 1011 Park Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow conversion of the existing supervised group residence to professional offices for agency human services staff, subject to the following conditions:

1. Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
 - b. Office use by professionals subject to State of Iowa licensing requirements.
2. Any signage on the Property shall be limited to a freestanding monument sign not to exceed 8 feet in height or 24 square-feet in size.
3. Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties; 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 locally known as 1011 Park Avenue, legally described as:

Lot 15 SOUTHGATE, except for the East 18 feet, an Official Plat, all now included in the City of Des Moines, Polk County, Iowa.

from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow conversion of the existing supervised group residence to professional offices for agency human services staff, subject to the conditions stated above as



Roll Call Number

Agenda Item Number

49

Date July 11, 2016

-2-

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 objections to the proposed rezoning of the Property to Limited "C-1" Neighborhood Retail Commercial 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-1" Neighborhood Retail Commercial District, with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and 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

Glenna K. Frank, Assistant City Attorney

(ZON2016-00133)

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.

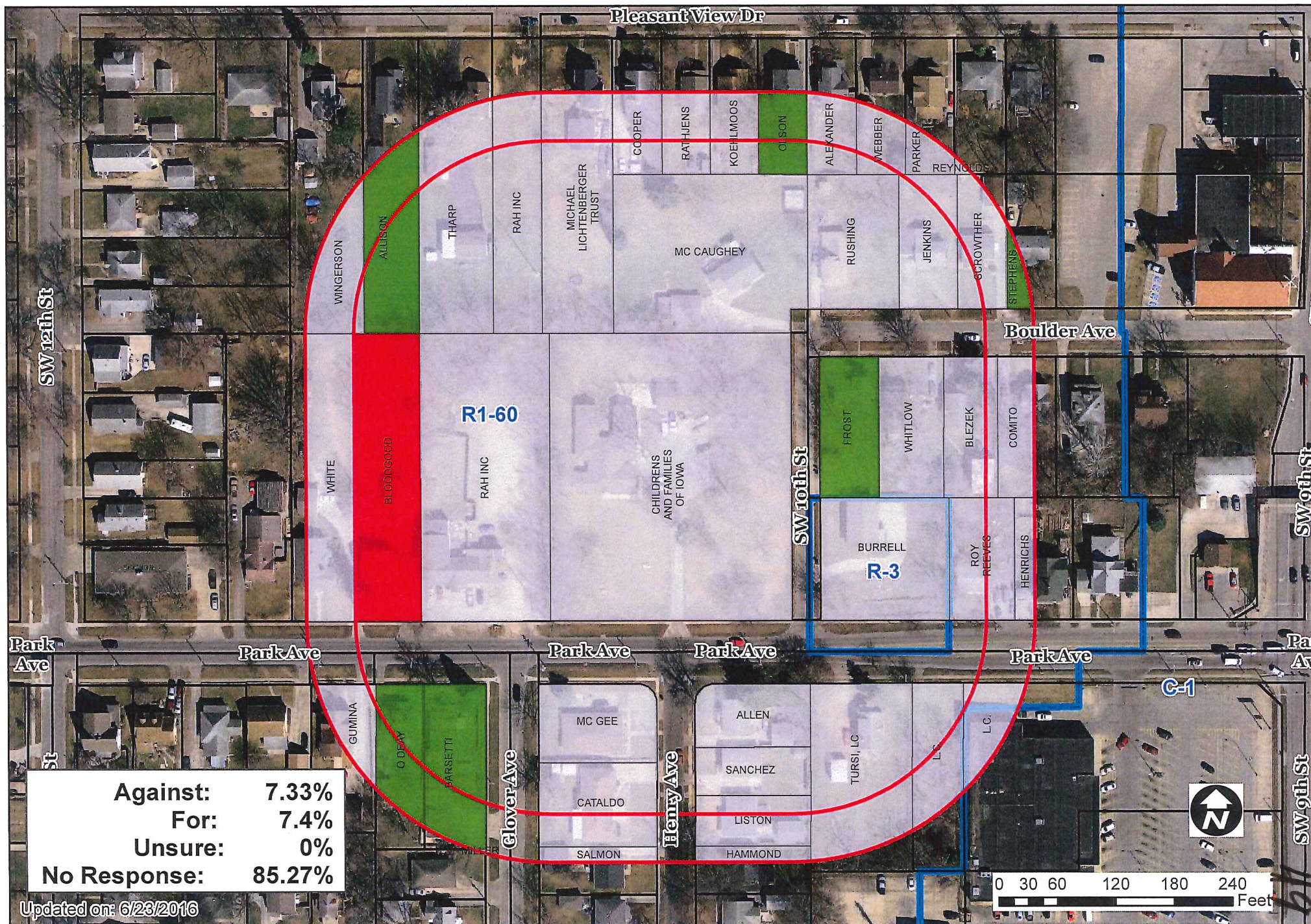
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk





June 22, 2016

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 June 16, 2016, the following action was taken regarding a request from Children and Families of Iowa (owner) represented by Janice Lane (officer) to rezone property located at 1011 Park Avenue.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
William Page				X
Mike Simonson				X
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of the applicant's request Part A) to find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow Plan, approval of Part B) the request to rezone property from "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District, subject to the titleholder agreeing to the following limitations: (ZON2016-00133)

1. Only the following uses of land and structures shall be permitted on the Property:

- a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
 - b. Office use by professionals subject to State of Iowa licensing requirements.
2. Any signage on the Property shall be limited to a freestanding monument sign not to exceed 8 feet in height or 24 square-feet in size.
3. Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow Plan so long as the permitted uses of the property are limited to those as permitted in the "R1-60" District and/or professional offices.

Part B) Staff recommends that the Plan DSM Creating Our Tomorrow existing future land use designation not be amended from Low-Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezone property from "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District, subject to the titleholder agreeing to the following limitations:

1. Only the following uses of land and structures shall be permitted on the property:
 - a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
 - b. Professional office use.
2. Any signage on the property shall be limited to a maximum 24-square freestanding monument sign not to exceed 8 feet in height.
3. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

Written Responses

6 In Favor

1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow conversion of the existing supervised group residence to professional offices for the agency's human services staff. The applicant is no longer proposing to have outpatient treatment services accessory to the proposed office use. The bedroom areas of the existing structure would be converted to offices

and the living room areas would be used for meeting rooms. The off-street parking lot would be expanded to accommodate between 10 and 15 employees on the site. The application states that hours of operation would be limited to between 7:00 AM and 8:00 PM.

Should the rezoning be denied by the City Council, the applicant would be eligible to apply for a Use Variance from the City's Zoning Board of Adjustment.

2. **Size of Site:** 73,062 square feet or 1.58 acres.
3. **Existing Zoning (site):** "R1-60" General Retail and Highway-Oriented Commercial District, "FSO" Freestanding Signs Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** The property contains a 7,848-square foot building, a detached garage, and an off-street parking lot with approximately 11 parking spaces.

5. Adjacent Land Use and Zoning:

North – "R1-60", *Uses are single-family dwellings.*

South - "R1-60", *Uses are single-family dwellings.*

East – "R-3", *Uses are single-family dwellings.*

West – "R1-60", *Use is Park Avenue Pub (tavern).*

6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of Park Avenue to the west of Southwest 10th Street. It is located in a primarily residential neighborhood to the west of the Southwest 9th Street commercial corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Gray's Lake Neighborhood. The neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood on July 17, 2015 and May 27, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on July 17, 2015 (20 days prior to the August 6, 2015 hearing), July 27, 2015 (10 days prior to the August 6, 2015 hearing), and June 6, 2016 (10 days prior to the June 16, 2016 hearing) to the 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 July 31, 2015 and June 10, 2016.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Gray's Lake Neighborhood Association mailings were sent to Evan Shaw, 2615 Druid Hill Drive, Des Moines, IA 50315.

The applicant was advised to conduct a neighborhood meeting and will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** On August 6, 2015, the Plan & Zoning Commission continued the public hearing for this request rezoning indefinitely so that the applicant could continue to analyze their future needs for this property.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low-Density Residential & Neighborhood Node at Park Avenue & Southwest 9th Street.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** While the subject property is designated as Low-Density Residential, it is also within the Neighborhood Node that is centered at the intersection of Park Avenue and Southwest 9th Street. This node designation is intended by the plan to encourage a "mixture of uses to provide a variety of housing types, employment opportunities, and services at greater concentrations than the surrounding area". The node is a focal point for the neighborhood and is intended to offer services that provide basic daily needs of the population in the surrounding neighborhood. Since the subject property is at the periphery of the node, Staff believes that the proposed rezoning to "C-1" District can be found in conformance with future land use plan so long as the permitted uses of the property are limited to those as permitted in the "R1-60" District and/or professional offices. Staff believes that the proposed office use would have minimal impacts on the surrounding residential properties and would serve as a transition from more intense uses at the center of the node.
2. **Gray's Lake Neighborhood Action Plan:** In 2013, the City Council adopted the Gray's Lake Neighborhood Action Plan. This plan designates the subject property as low-density residential.
3. **Off-Street Parking:** Any future use of the property for professional offices would require compliance with off-street parking requirement of 1 space per 400 square feet of building area. Therefore, the 7,848 building would require 20 off-street parking spaces.

4. **Additional Information:** Any future construction on the site must conform to the City's Site Plan regulations, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access.
5. Any future renovation of the structure must be in accordance with all Building and Fire Codes, with issuance of all necessary permits from the City's Permit & Development Center.

Staff recommends that any signage on the property be limited to a 24-square freestanding monument sign not to exceed 8 feet in height. An electronic reader board sign would not be permitted in the "C-1" District.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

John "Jack" Hilmes asked what the term "Professional Office Use" implies.

Glenna Frank stated that it is not defined in the "definitions" section of the zoning code. Frank stated that there is clarifying language in other sections of the code.

John "Jack" Hilmes stated he is worried about how some would interpret the use. Hilmes stated that typically when using the word "professional" it means occupations such as lawyers and physicians, etc.

Glenna Frank stated that the commission could have it more thoroughly defined but it would need to be an amendment to the code.

Greg Jones stated there are other communities in the area that have things in their zoning ordinances called "Professional Commerce Parks." Jones stated they are the "upper end" office uses.

CJ Stephens stated that she agrees that there needs to be further definition of the proposed use.

Mike Ludwig noted that in the R1-80 district of the Zoning ordinance, the permitted accessory uses section allows: "The home office of a physician, dentist, artist, attorney, architect, engineer, teacher, or other member of a recognized profession, in that person's bona fide and primary residence, provided that not more than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office." Ludwig stated that he believed the applicant's use of this property would be offices for staff, but that the counselors would not be providing services to the clients at this location.

Janice Lane, CEO, Children and Families of Iowa, stated that this property had been used as a residential treatment facility for vulnerable teens for more than 50 years. This property housed troubled boys aged 13-18 with significant behavior problems. The residents were housed there 24 hours a day, 365 days a year. CFI is no longer treating boys in this category so the building has been vacant for over a year. While vacant, the building has been vandalized and inhabited by trespassers. In an effort to make the best use of the facility, CFI would like to change the zoning for the facility to be used as an office space for 10-15 staff that provide services out in the community. This amount is fewer inhabitants than were previously in this property. The hours of operation would be normal business hours with no weekend hours.

CJ Stephens stated that when this property was used as a group home, the residents didn't drive, but now there would be more traffic with the employees being housed there.

Janice Lane replied that the residents did not drive, but there were still service staff, supervisors and case managers at the group home. The traffic will not be an increase from previous uses.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

JoAnne Corigliano moved staff recommendation for approval of the request subject to a more thorough definition of "professional office use."

Jacqueline Easley stated that mental health professionals are licensed and that satisfies the definition.

John "Jack" Hilmes stated that mental health professionals are defined in the Code of Iowa so the definition holds true.

CJ Stephens stated that the zoning goes with the property. If this tenant moves out, someone who is not licensed could use this property if there is no definition listed.

Mike Ludwig stated staff had noted that the commission desired to limit use of the building for State licensed professional office purposes.

COMMISSION ACTION:

JoAnne Corigliano made a motion for approval of Part A) to find the proposed rezoning in conformance with the PlanDSM Creating Our Tomorrow Plan, approval of Part B) the request to rezone property from "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District, subject to the titleholder agreeing to the following limitations:

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Motion carried 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

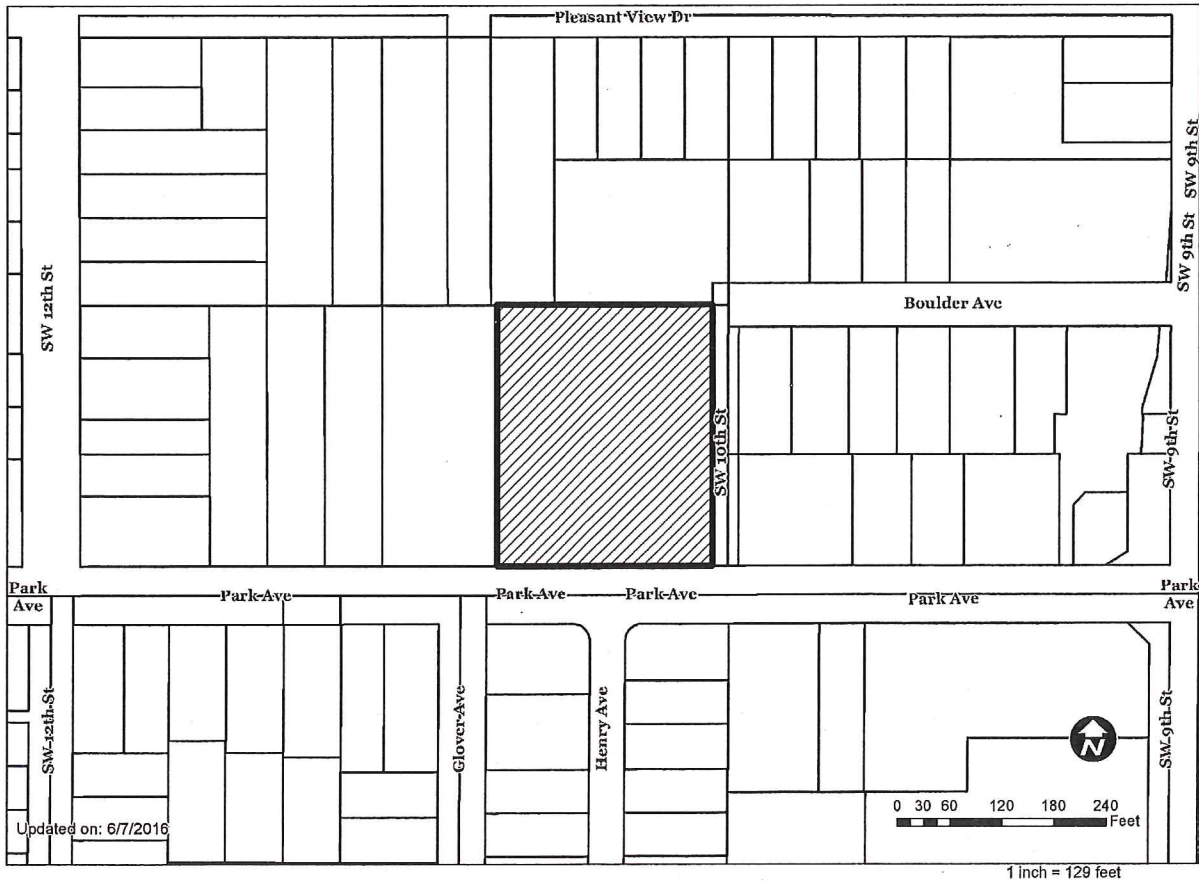
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Attachment

Children and Families of Iowa (owner) represented by Janice Lane (officer) for property located at 1011 Park Avenue.				File #	
				21-2015-4.17	
Description of Action	Approval of request to amend the Plan DSM Creating Our Tomorrow existing future land use designation from Low-Density Residential within a neighborhood node to Neighborhood Mixed Use within a neighborhood node.				
PlanDSM Future Land Use		Current: Low-Density Residential within a neighborhood node. Proposed: Neighborhood Mixed Use within a neighborhood node.			
Mobilizing Tomorrow Transportation Plan		Park Avenue Widening: George Flagg Pkwy to SE 14 th Street.			
Current Zoning District		"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"C-1" Neighborhood Retail Commercial District, "GGP" Gambling Games Prohibition District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		6	1		
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Children and Families of Iowa, 1011 Park Avenue

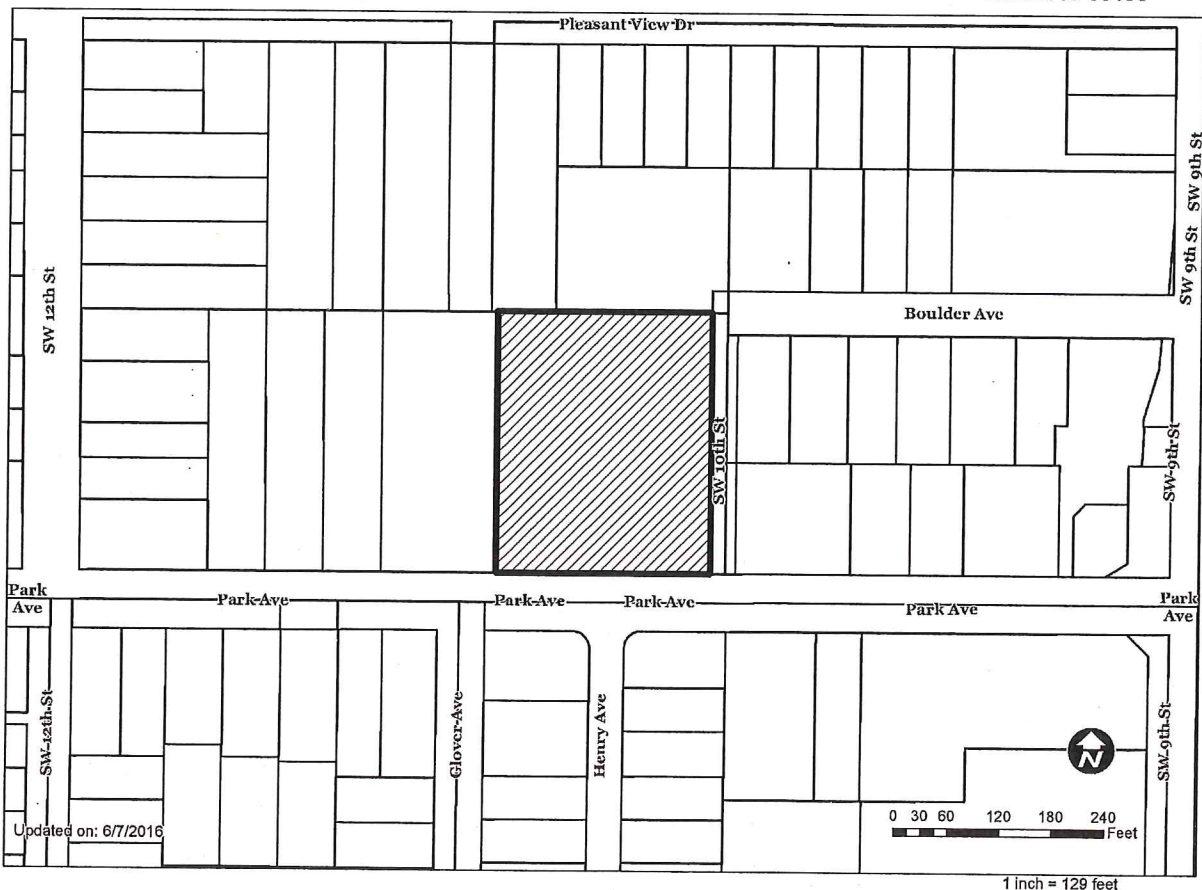
21-2015-4.17



Children and Families of Iowa (owner) represented by Janice Lane (officer) for property located at 1011 Park Avenue.				File # ZON2015-00133	
Description of Action		Approval of request to rezone property from "R1-60" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District to allow conversion of the existing supervised group residence for youth with behavioral disorders to professional offices for agency human services staff, subject to conditions.			
PlanDSM Future Land Use		Current: Low-Density Residential within a neighborhood node. Proposed: Neighborhood Mixed Use within a neighborhood node.			
Mobilizing Tomorrow Transportation Plan		Park Avenue Widening: George Flagg Pkwy to SE 14 th Street.			
Current Zoning District		"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"C-1" Neighborhood Retail Commercial District, "GGP" Gambling Games Prohibition District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		6	1		
Outside Area					
Plan and Zoning Commission Action		Approval	10-0	Required 6/7 Vote of the City Council	Yes
		Denial			No
					X

Children and Families of Iowa, 1011 Park Avenue

ZON2015-00133



Item ZON2015-00133

Date

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

RECEIVED

Print Name

COMMUNITY DEVELOPMENT

Signature

JUN 17 2016

Address 1510 Lewis Ave

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

Item ZON2015-00133

Date

7/29/15

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

RECEIVED

COMMUNITY DEVELOPMENT

AUG 03 2015

DEPARTMENT

Print Name

Signature

Address

GAIL OLSON

Gail Olson

1402 PLEASANT VIEW DR

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

Item ZON2015-00133

Date

7-31-15

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

RECEIVED

COMMUNITY DEVELOPMENT

AUG 04 2015

DEPARTMENT

Print Name

Signature

Address

Brenda Bloodgood

Brenda Bloodgood

1109 Park Ave, Bm, IA 50315

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

It's fine the way that it is. No problems
I am against it because of alot more traffic
and it's not cool with a bar next door - I
think that would create problems. Please don't.

Item ZON2015-00133

Date 8-1-15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

Susanna Barsetti

Signature

Susanna Barsetti

JUL 31 2015

Address

1102 Park Ave D.M. Iowa

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

Item ZON2015-00133

Date

8/1/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

LESLIE FROST

Signature

Leslie Frost

AUG 04 2015

DEPARTMENT

Address

938 Boulder

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

It seems the house has
out grown its purpose.

Item ZON2015-00133

Date 7-29-15

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

RECEIVED
COMMUNITY DEVELOPMENT

AUG 03 2015

DEPARTMENT

Print Name Jerald Stephens

Signature [Signature]

Address 921 Boulder Ave.

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

Item ZON-2015-00133 Date 6-9-2016

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

RECEIVED
COMMUNITY DEVELOPMENT

JUN 14 2016

DEPARTMENT

Print Name Michael O'Day

Signature [Signature]

Address 1132175 DM, 1A 50321

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

SOUNDS LIKE A GOOD PROJECT...
THEY HAVE ALWAYS BEEN GOOD
NEIGHBORS NEIGHBORS!

