



Date March 20, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM  
CAPITOL VIEW CREDIT UNION TO REZONE PROPERTY LOCATED AT  
623 EAST 12<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Capitol View Credit Union (owner), represented by Brent Kowalsky (officer), to rezone property located at 623 East 12th Street from “C-0” Commercial-Residential District to “C-1” Neighborhood Retail Commercial District to allow conversion of a former medical office building to a drive-up financial institution, subject to the following conditions:

- 1) Any primary building shall have a glass storefront entrance that directly fronts East 12th Street to the satisfaction of the Planning Administrator.
- 2) The site shall be brought into conformance with current Site Plan regulations; and

**WHEREAS**, the Property to be rezoned is legally described as follows:

EXCEPT PARCEL 2017-15, THE NORTH 118 FEET OF LOT 11 AND THE NORTH 75 FEET OF LOT 12 AND THE SOUTH 17 FEET OF VACATED LYON STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO SAID LOTS 11 AND 12, BLOCK 18 OF STEWART’S ADDITION, AN OFFICIAL PLAT AND 2017-14, 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 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 at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on April 3, 2017, 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

21

Date March 20, 2017

-2-

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

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2017-00009)

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

MOTION CARRIED

APPROVED

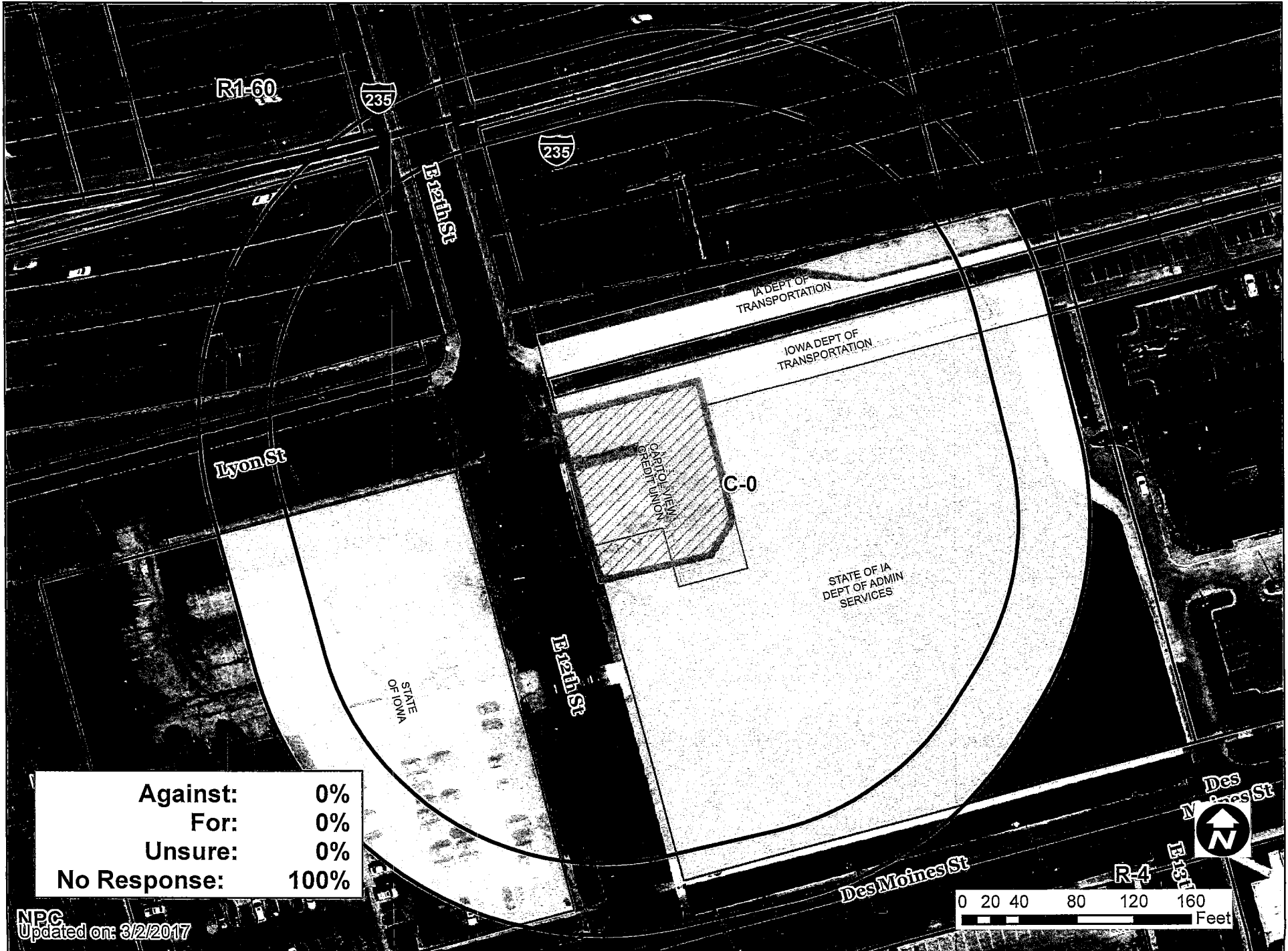
\_\_\_\_\_  
Mayor

**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.

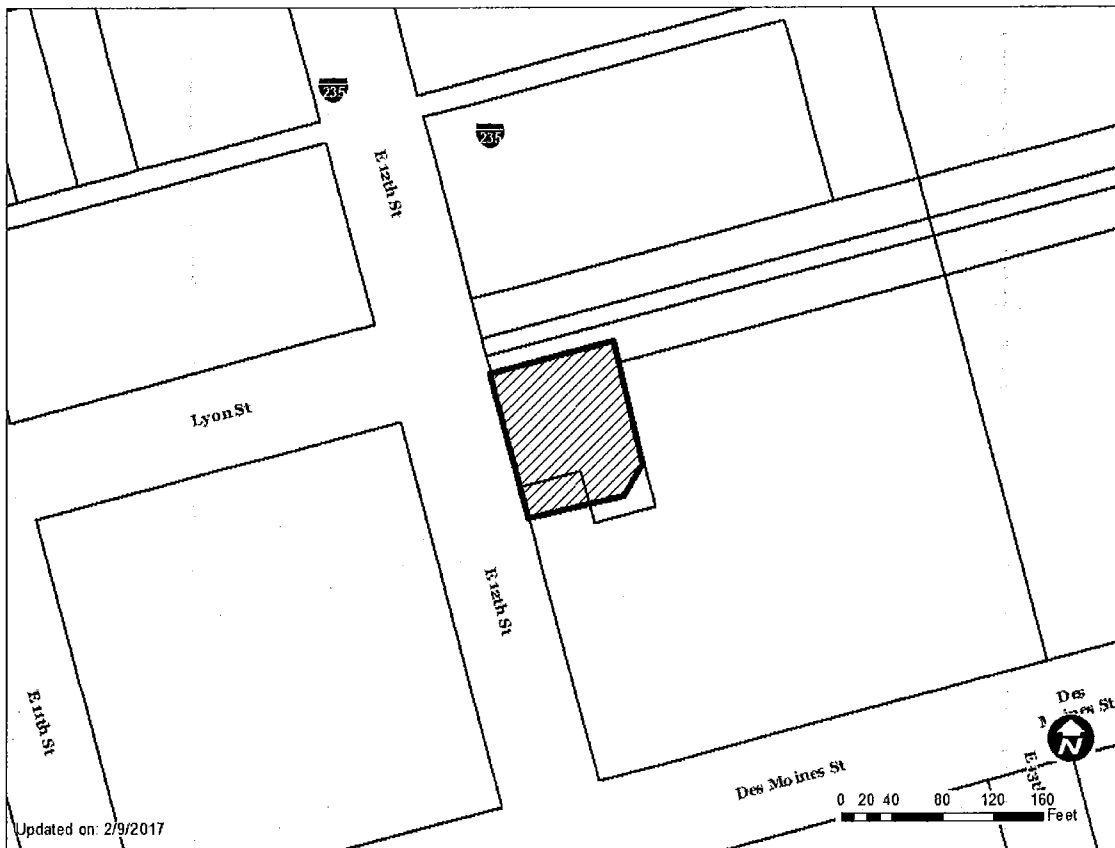
\_\_\_\_\_  
City Clerk



Capitol View Credit Union (owner) represented by Brent Kowalsky (officer) for property located at 623 East 12th Street. Additional subject property is owned by State of Iowa.			File # ZON2017-00009	
Description of Action	Approval of a request to rezone property from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District to allow conversion of a former medical office building to a drive-up financial institution, subject to conditions.			
PlanDSM Future Land Use	Current: Public/Semi-Public. Proposed: Neighborhood Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-O" Commercial Residential District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property				
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Capitol View Credit Union, 623 East 12th Street

ZON2017-00009

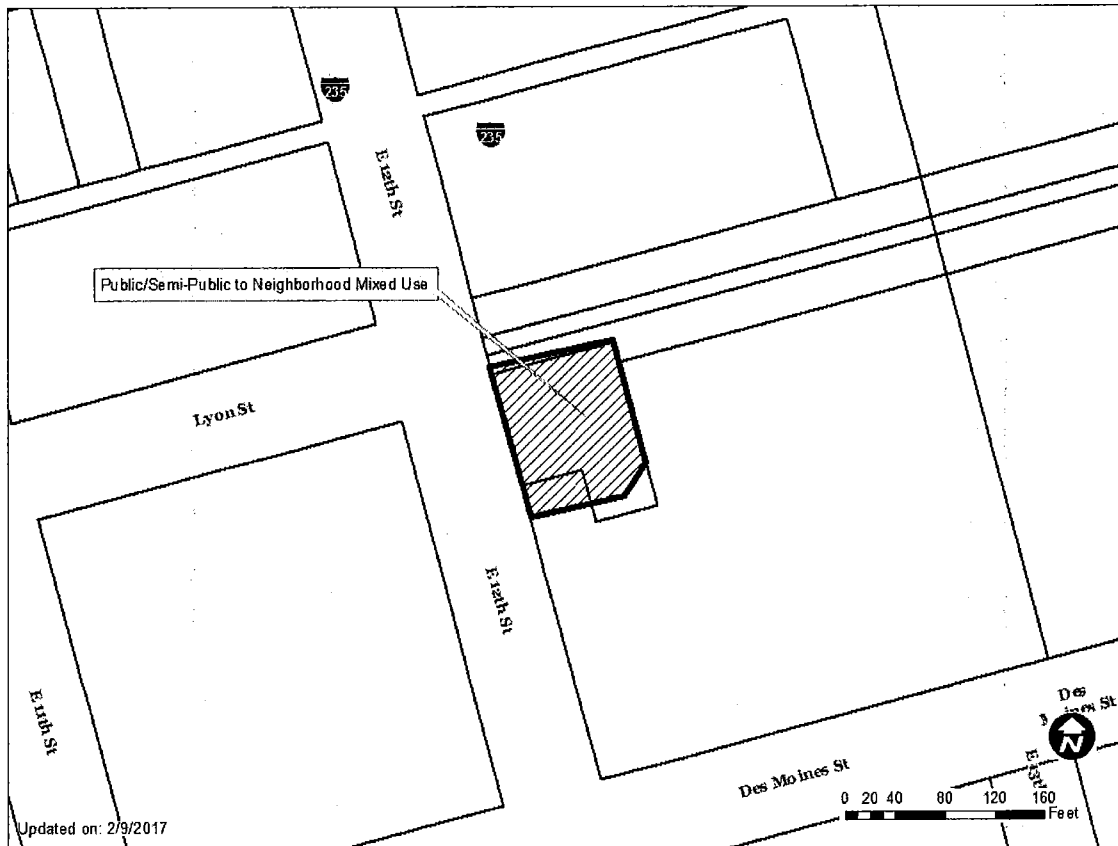


1 inch = 90 feet

<b>Capitol View Credit Union (owner) represented by Brent Kowalsky (officer) for property located at 623 East 12th Street. Additional subject property is owned by State of Iowa.</b>			<b>File #</b> 21-2017-4.01	
<b>Description of Action</b>	Approval of a request to amend the existing PlanDSM: Creating Our Tomorrow future land use designation from Public/Semi-Public to Neighborhood Mixed Use.			
<b>PlanDSM Future Land Use</b>	Current: Public/Semi-Public. Proposed: Neighborhood Mixed Use.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"C-O" Commercial Residential District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	"C-1" Neighborhood Retail Commercial District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Subject Property Outside Area (200 feet)</b>				
<b>Plan and Zoning Commission Action</b>	Approval	13-0	<b>Required 6/7 Vote of the City Council</b>	
	Denial		Yes	No
				X

Capitol View Credit Union, 623 East 12th Street

21-2017-4.01



Updated on: 2/9/2017

1 inch = 90 feet

March 9, 2017

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 March 2, 2017, the following action was taken regarding a request from Capitol View Credit Union (owner) represented by Brent Kowalsky (officer) to rezone property located at 623 East 12th Street. Additional subject property is owned by State of Iowa.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of Part A) to find the proposed rezoning not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, approval of Part B) to amend the existing PlanDSM: Creating Our Tomorrow future land use designation from Public/Semi-Public to Neighborhood Mixed Use and approval of Part C) to rezone property from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District to allow conversion of a former medical office building to a drive-up financial institution, subject to the following conditions: (21-2017-4.01 & ZON2017-00009)

- 1) Any primary building shall have a glass storefront entrance that directly fronts East 12<sup>th</sup> Street to the satisfaction of the Planning Administrator.
- 2) The site shall be brought into conformance with current Site Plan regulations.

## **STAFF RECOMMENDATION**

Part A) Staff recommend the Commission find the proposed rezoning not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of amending the existing PlanDSM: Creating Our Tomorrow future land use designation from Public/Semi-Public to Neighborhood Mixed Use.

Part C) Staff recommends approval of rezoning the subject property from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District subject to the following conditions:

- 1) Any primary building shall have a glass storefront entrance that directly fronts East 12<sup>th</sup> Street to the satisfaction of the Planning Administrator.
- 2) The site shall be brought into conformance with current Site Plan regulations.

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

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to convert the existing 2,499-square foot office building to a credit union with a drive-thru lane to the south of the building and a surface parking lot to the east of the building.
2. **Size of Site:** 11,336 square feet or 0.26 acres.
3. **Existing Zoning (site):** "C-0" Commercial-Residential District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Office building.
5. **Adjacent Land Use and Zoning:**
  - East** - "C-0"; Use is undeveloped land.
  - West** - "C-0"; Use is a State of Iowa surface parking lot.
  - North** - "C-0"; Use is the Interstate 235 corridor.
  - South** - "C-0"; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the East Village to the north of the State Capitol Complex along Interstate 235. The immediate area consists of surface parking and office buildings.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on February 10, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2017 (20 days prior to the hearing) and February 20, 2017 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contract. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on January 24, 2017. The Historic East Village Neighborhood mailings were sent to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

The applicant is required to hold a neighborhood meeting and will be able to provide a summary of the meeting at the hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as "Public/Semi-Public" on the Future Land Use Map.
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.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The proposed rezoning is not in conformance with the Future Land Use Map designation of "Public/Semi-Public". The map must be amended to the "Neighborhood Mixed Use" designation. The Plan describes this category as "small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to service the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development."



- 2. Downtown Overlay District Design Guidelines:** The site is located within the Downtown Overlay District. The applicant would be required to submit a site plan and building elevations for review in accordance with the following guidelines should the rezoning be approved.
- a. *Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.*
  - b. *Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.*
  - c. *Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.*
  - d. *The incorporation of 'soft (green) spaces' on site is encouraged.*
  - e. *Where feasible, projects should provide outdoor spaces for people gathering.*
  - f. *If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.*
  - g. *Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.*
  - h. *Bulk standards, building setbacks, orientation, frontage and residential access:*
    1. *All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).*
    2. *All buildings without river frontage should have entrances oriented toward primary street(s).*
    3. *All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.*
    4. *For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.*
    5. *At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.*
    6. *For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).*
  - i. *Storage of all materials and equipment should take place within completely enclosed buildings.*
  - j. *All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.*
  - k. *All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.*

- l. Access doors for any warehouse use and any loading docks should not front on any public street.*
- m. Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.*
- n. Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.*
- o. Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.*
- p. Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.*
- q. Auto-dominant uses as described in subsection (c)14, above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.*
- r. Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.*

The applicant has submitted a conceptual site sketch and a building elevation drawing for the east façade. The existing building is one-story tall, has masonry siding and a gabled roof with the gables on the east and west facades. It has entrances at the northwest corner of the building and on the east façade. The submitted drawings indicate that a drive-thru canopy would be added to the south of the building. A new glass storefront entrance would be installed on the east façade. The entrance at the northwest corner of the building would be removed.

One of the primary purposes of the Downtown Overlay District is to create a pedestrian-oriented environment. To accomplish this, buildings must be set in close proximity to the right-of-way, have entrances that are directly accessible from the public sidewalk and be as transparent as possible. The existing building sits at the East 12<sup>th</sup> Street property line. A building elevation drawing has not been provided for the East 12<sup>th</sup> Street (west) façade. The site sketch includes a floor plan layout. It indicates there would not be a door on the west facade and that windows would be limited. Staff believes that a glass storefront entrance should be provided on the west façade.

The proposed project would be required to underground overhead utility lines in the adjoining rights-of-way and service lines to the building as part of the review of a site plan. In addition, all street lights located within adjoining rights-of-way must be replaced with black street light poles and black LED light fixtures.

- 3. Access & Parking:** The "C-1" District requires 1 off-street parking space per 400 square feet of gross floor area, but no less than 5 spaces. This would require 7 parking spaces for the 2,499-square foot building. The submitted site sketch identifies 9 off-street parking spaces. The drawing also shows 2 on-street parking spaces along East 12<sup>th</sup> Street.
- 4. Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center during the review of the site plan.

Development of the site must comply with the Tree Preservation and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

5. **Traffic Analysis:** A traffic study was prepared and reviewed by the City's Traffic and Transportation Division for the proposed development. No changes or substantive concerns were raised by the projected trip generation of the proposed development or conceptual layout.
6. **Signage:** The submitted conceptual drawing suggest a monument sign would be located near the intersection of East 12<sup>th</sup> Street and Lyon Street. All free standing signs must comply with the "FSO" Freestanding Sign Overlay District and the City's monument sign design requirements. Below are the relevant portions of Section 134-1276 and Section 134-3 of the Zoning Ordinance for reference.

**Sec. 134-1276. General regulations.**

(p) *Sign exceptions.* The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

(4) *FSO Freestanding sign overlay district.* The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monument signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:

(a) Pole signs are prohibited.

(b) Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:

(1) If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.

(2) If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

**Sec. 134-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sign, freestanding* means a sign not attached to any building and is further defined as follows:

- (2) *Sign, monument* means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.

**SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.

Bob Zandi, Kirk Gross Co. 4015 Alexandra Drive, Waterloo, IA representing Capitol View Credit Union. Mr. Zandi presented a building plan for updates to the existing building. He stated they are working with the State of Iowa on a land swap for this area. They have received permission from the Iowa Department of Transportation to add an additional access on East 12<sup>th</sup> Street as Lyon Street to the north of this property has been abandoned as a street. They have also confirmed a traffic study that has been approved for this change in the access. They met with neighborhood association and they have no issues with the changes. They are currently working to get the plat of survey recorded and will then finalize the land swap with the State of Iowa. They have been reworking the current elevations to give the East 12<sup>th</sup> a building entrance. They will continue to refine these elevations to be in compliance with the staff recommendations.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present to speak in favor of or in opposition of the applicant's request.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation for approval of Part A) to find the proposed rezoning not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, approval of Part B) amending the existing PlanDSM: Creating Our Tomorrow future land use designation from Public/Semi-Public to Neighborhood Mixed Use and approval of Part C) rezoning the subject property from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District, subject to the following conditions:

- 1) Any primary building shall have a glass storefront entrance that directly fronts East 12<sup>th</sup> Street to the satisfaction of the Planning Administrator.
- 2) The site shall be brought into conformance with current Site Plan regulations.

Motion carried 13-0.

Respectfully submitted,

  
 Michael Ludwig, AICP  
 Planning Administrator

MGL:clw

Attachment