



Date October 22, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM HRC 8TH STREET II, LLC TO REZONE PROPERTY AT 813 CROCKER STREET

WHEREAS, on October 8, 2018, by Roll Call No. 18-1666, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on September 20, 2018, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from HRC 8th Street II, LLC (owner), represented by Kris Sadoris (officer), to rezone property locally known as 813 Crocker Street (“Property”) from “R-4” Multiple-Family Residential District to “C-3A” Central Business District Support Commercial District, to allow for installation of a freestanding monument sign for the adjoining existing multiple-family residential complex; and

WHEREAS, on October 8, 2018, by Roll Call No. 18-1666, it was duly resolved by the City Council that the application of HRC 8th Street II, LLC to rezone the Property, as legally described below, be set down for hearing on October 22, 2018 at 5:00 p.m. in the Council Chambers 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 locally known as 813 Crocker Street, legally described as:

EXCEPT THE WEST 3 FEET, THE WEST 64 FEET OF LOT 1 SUBDIVISION BLOCK P HOLCOMB’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from “R-4” Multiple-Family Residential District to “C-3A” Central Business District Support Commercial District, to allow for installation of a freestanding monument sign for the adjoining existing multiple-family residential complex.

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 “C-3A” Central Business District Support Commercial District, are hereby overruled, and the hearing is closed.



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2. The proposed rezoning of the Property to "C-3A" Central Business District Support Commercial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is 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

(ZON2018-00173)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

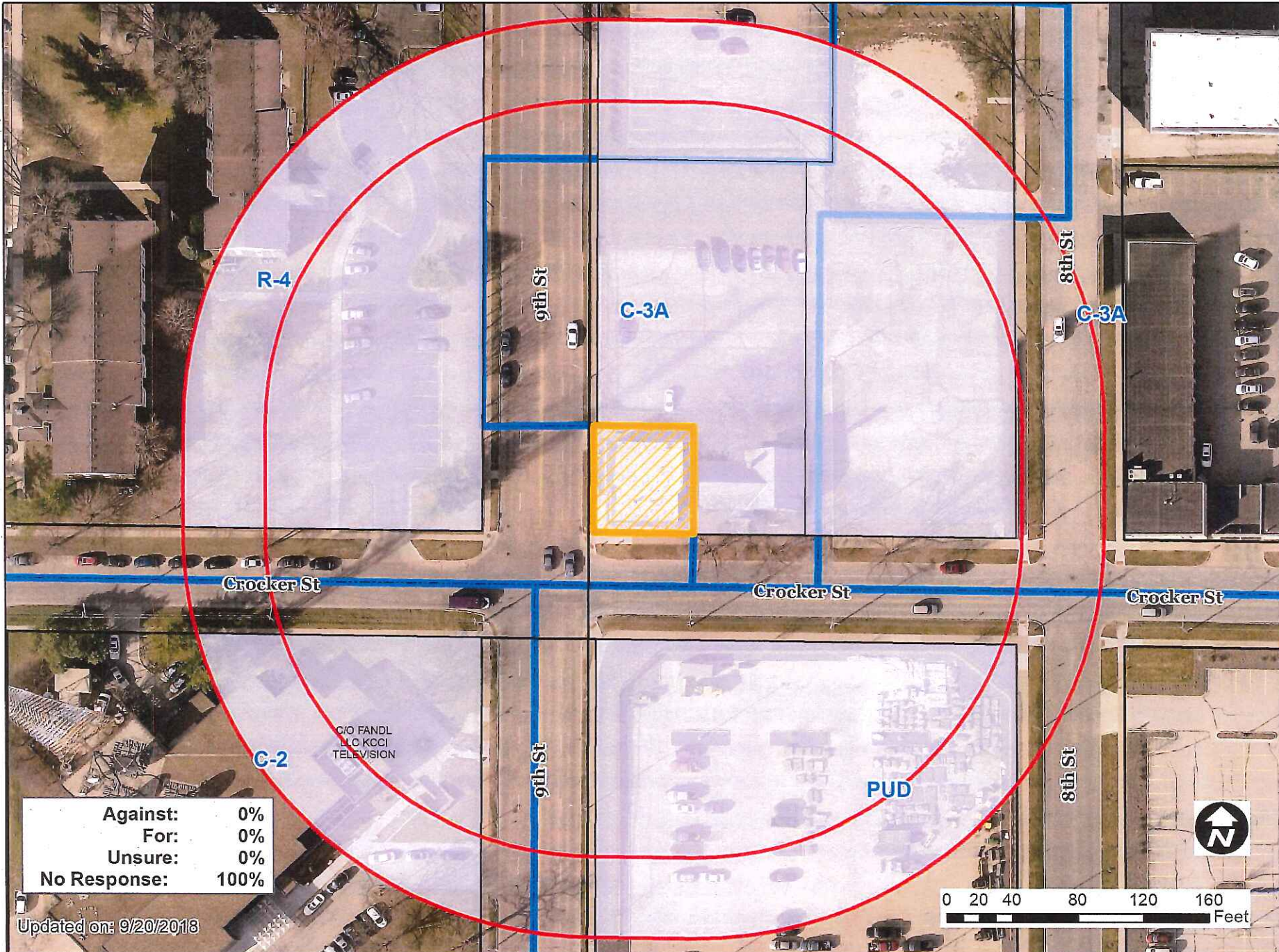
CERTIFICATE

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.

Mayor

City Clerk



52



09/12/2018 52



09/12/2018

52



09/12/2018

Handwritten initials



09/12/2018



915

09/12/2015
52



October 3, 2018

Date October 22, 2018

Agenda Item 52

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 20, 2018 meeting, the following action was taken regarding a request from HRC 8th Street (owner), represented by Kris Saddoris (officer) to rezone property located at 813 Crocker Street from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District, to allow for freestanding monument sign for the existing multiple-family residential complex.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	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) the Commission find that the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Downtown Mixed Use and Part B) **APPROVAL** of rezoning the subject property from "R-4"

Written Responses

0 in Favor

0 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find that the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of rezoning the subject property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow for installation of a freestanding monument sign that would be within 6 feet of the front property line along 9th Street and within 2 feet of the front property line along Crocker Street. The current "R-4" District regulations require any sign to be setback at least 20 feet from a front property line.
2. **Size of Site:** 60 feet by 65 feet (3,900 square feet).
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** The site contains a dog park for residents of the multiple-family dwellings.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3A"; Use is a multiple-family residential structure.
 - South** – "Hillside PUD"; Use is surface parking lot.
 - East** – "C-3A"; Use is a multiple-family residential structure.
 - West** – "R-4"; Uses are multiple-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the northern portion of downtown near Interstate 235. The area contains a mix of commercial, multiple-family and surface parking uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on August 31, 2018.

Additionally, separate notifications of the hearing for this specific item were mailed on August 31, 2018 (20 days prior to the hearing) and September 10, 2018 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all the recognized neighborhood associations on August 10, 2018.

The applicant held the required neighborhood meeting on September 10, 2018, and will be available to provide a summary at the hearing.

8. **Relevant Zoning History:** The land adjoining to the north and to the east was rezoned from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District on April 11, 2016 (Ordinance 15,460). The subject property was excluded because it was under separate ownership at the time.

On August 22, 2018, the Zoning Board of Adjustment denied Variances of up to 18 feet less than the minimum 20-foot setback required for any freestanding sign that would have allowed construction of a 6.58-foot wide by 3.5-foot tall (23.04 square feet) sign atop a 2-foot tall concrete base, where the sign would be within 6 feet of the front property line along 9th Street and within 2 feet of the front property line along Crocker Street.

9. **PlanDSM Creating Our Tomorrow Land Use Plan Designation:** Downtown Mixed Use.

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 Land Use Plan Designation:** The subject property is designated as "Downtown Mixed Use" on the Future Land Use Map. This designation is intended to "allow mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown." The proposed "C-3A" Central Business District Support Commercial District is compatible with this designation.
2. **Site Plan Requirements:** Any development of the property must comply with the City's Site Plan requirements, including those regarding stormwater management and landscaping.
3. **Downtown Overlay District Design Guidelines:** The subject property is within the "D-O" Downtown Overlay District. Therefore, any Site Plan must also comply with the following design guidelines:

- 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 guideline "N" 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.

SUMMARY OF DISCUSSION

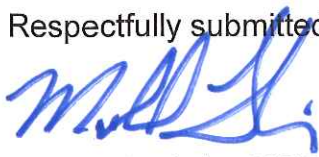
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion for **APPROVAL** of Part A) the Commission find that the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Downtown Mixed Use and Part B) **APPROVAL** of rezoning the subject property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District.

Motion passed: 13-0

Respectfully submitted,



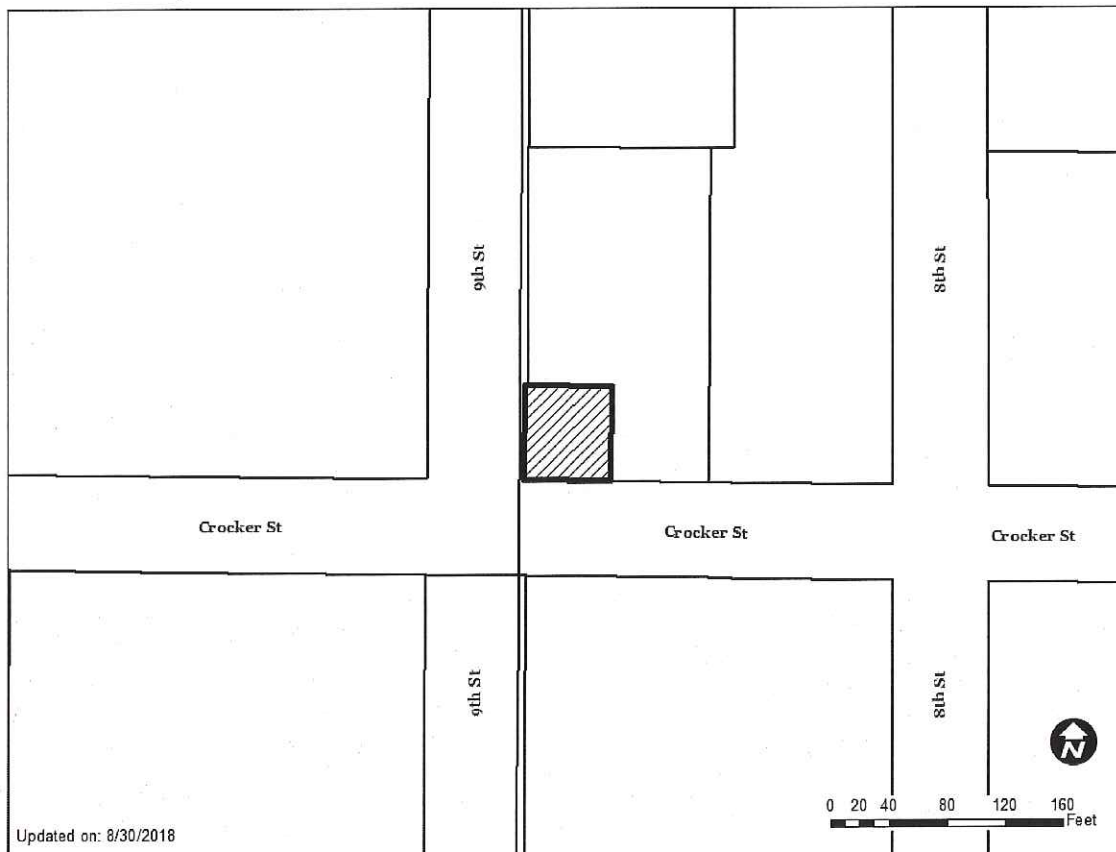
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

HRC 8th Street (owner), represented by Kris Sadoris (officer) to rezone property located at 813 Crocker Street.			File # ZON2018-00173	
Description of Action	Rezone the property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District, to allow for freestanding monument sign for the existing multiple-family residential complex.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-4" Multiple-Family Residential District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-3A" Central Business District Support Commercial 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	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

HRC 8th Street, 813 Crocker Street

ZON2018-00173



Updated on: 8/30/2018

1 inch = 78 feet