



Date February 11, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM
AGAPE PREGNANCY CENTER TO REZONE PROPERTY LOCATED AT
2008 AND 2222 BENNETT AVENUE**

WHEREAS, on January 28, 2019, by Roll Call No. 19-0127, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Agape Pregnancy Center (owner), represented by Stephen Siemens (officer), to rezone property in located at 2008 and 2222 Bennett Avenue (“Property”) from “R1-60” One-Family Low-Density Residential District to “C-0” Commercial-Residential District, to allow conversion of an existing supervised group residence to medical and professional counseling offices; and

WHEREAS, on January 28, 2019, by Roll Call No. 19-0127, it was duly resolved by the City Council that the application of Agape Pregnancy Center to rezone the Property, as legally described below, be set down for hearing on February 11, 2019 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 2008 and 2222 Bennett Avenue, legally described as:

LOTS 5, 6, 7 AND 8, HAWKEYE LAND COMPANY’S ADDITION AN OFFICIAL PLAT,
NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.

from “R1-60” One-Family Low-Density Residential District to “C-0” Commercial-Residential District, to allow conversion of an existing supervised group residence to medical and professional counseling offices.

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-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 “C-0” Commercial-Residential District with conditions as set forth above, 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.



Roll Call Number

Agenda Item Number

39B

Date February 11, 2019

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2018-00253)

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

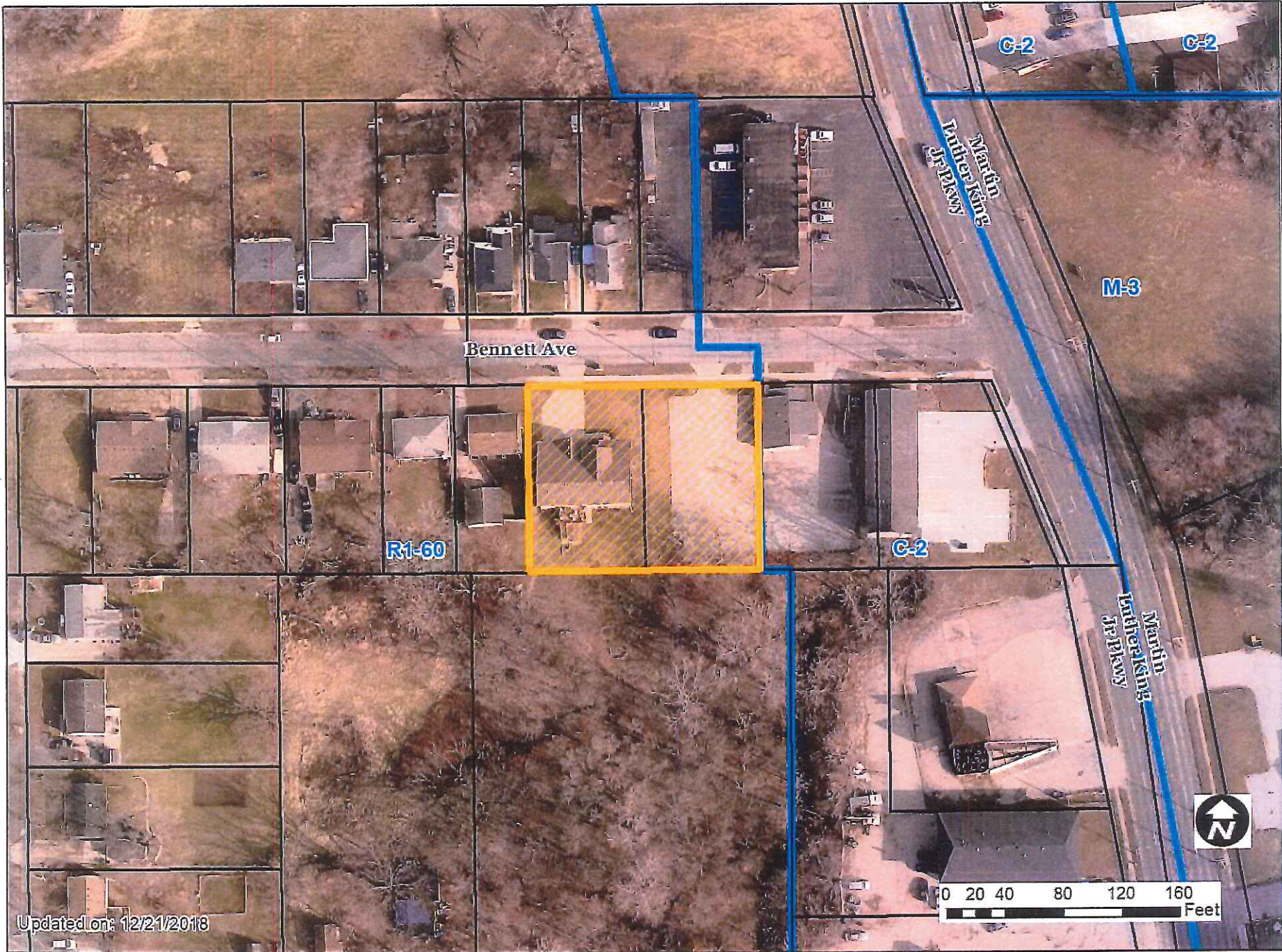
CERTIFICATE

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

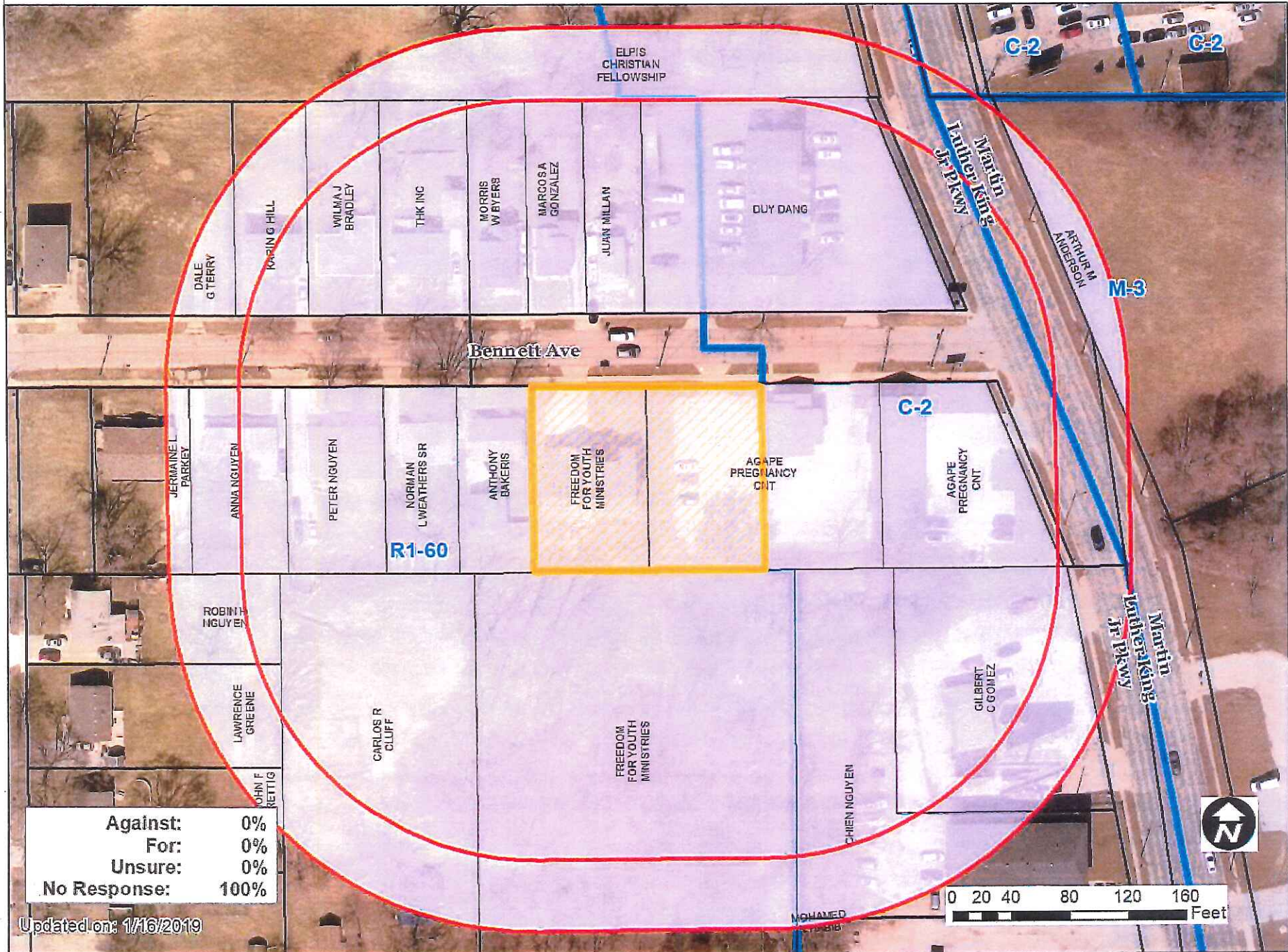
City Clerk



Updated on: 12/21/2018

1 inch = 88 feet

39B



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

Updated on: 1/16/2019

1 inch = 88 feet

JPB



January 22, 2019

Date February 11, 2019
 Agenda Item 31B
 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 January 17, 2019 meeting, the following action was taken regarding a request from Agape Pregnancy Center (owner) represented by Stephen Siemens (officer) to rezone property at 2008 and 2222 Bennett Avenue from "R1-60" One-Family Low Density Residential District to "C-0" Commercial-Residential District to allow conversion of an existing supervised group residence to medical and professional counseling offices. Additional subject property owned by Freedom for Youth Ministries.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				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

RECOMMEND APPROVAL of Part A) the proposed rezoning is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use and Part C)

APPROVAL rezoning the subject property from “R1-60” One-Family Low Density Residential District to “C-0” Commercial-Residential District.

(21-2018-4.23) & (ZON2018-00253)

Written Responses

0 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow future land use designations from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of rezoning the subject property from “R1-60” One-Family Low Density Residential District to “C-0” Commercial-Residential District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject site consists of an 80-foot by 131-foot parcel that contains a single-family dwelling and the western 80 feet of the parcel to the east. The parcel to the east contains a commercial building and surface parking. This parcel is split zoned with the eastern half being zoned “C-2” District and the western half being zoned “R1-60” District.
2. **Size of Site:** 160 feet by 131 feet (20,960 square feet).
3. **Existing Zoning (site):** “R1-60” One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Surface parking used to support the commercial building to the east and a single-family dwelling occupied by a supervised group residence use.
5. **Adjacent Land Use and Zoning:**
 - North** – “R1-60” & “C-2”; Uses are single-family dwellings and a commercial building.
 - South** – “R1-60”; Use is an undeveloped parcel.
 - East** – “C-2”; Use is a commercial building.
 - West** – “R1-60”; Use is a single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is located 160 feet west of the Martin Luther King Jr. Parkway and Bennett Avenue intersection. The surrounding area is characterized by single-family dwellings with commercial uses along Martin Luther King, Jr. Parkway.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Prospect Park Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 28, 2018 and a Final Agenda on January 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the public hearing) and January 7, 2019 (10 days prior to the public hearing) to the Prospect Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Prospect Park Neighborhood Association notices were mailed to Heidi Hamand, 2920 Douglas Avenue #8, Des Moines, IA 50310.

The applicant has indicated that they held a neighborhood meeting on Thursday, January 10, 2019 at 6:30 P.M.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low Density Residential within a Community Node.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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. 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 Future Land Use Plan Designation:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The subject property is designated as Low Density Residential, which is described as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre”

The site is located within a Community Node on the Future Land Use Map that is centered on the Martin Luther King, Jr. Parkway and Hickman Avenue intersection. Community Nodes are described as mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. They consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. They may include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

Staff supports the proposed amendment to the Future Land Use Map. The properties to the east of the subject site are designated as Community Mixed Use and commercially used. The “C-0” Commercial-Residential District is intended to allow

certain areas of the city to development with professional and low-intensity business offices in residential areas, particularly where the site adjoins commercial uses. The "C-O" District provides a logical transition from the "R1-60" neighborhood to the west to the "C-2" zoned properties along Martin Luther King, Jr. Parkway.

- 2. Parking:** Section 134-809 of the "C-O" District regulations prohibits parking within the required 30-foot front yard setback area. The existing dwelling is setback 48 feet. This does not leave adequate depth for the existing driveway to be used for parking, which consists of the actual stall and the adjoining maneuvering area. Relief from the Zoning Board of Adjustment is necessary for the driveway to be used for anything other than an access drive to the attached garage.

The Zoning Ordinance requires 1 off-street parking space per 400 square feet of gross floor area for office uses. The existing dwelling has 3,283 square feet of floor area, which would require a minimum of (9) nine parking spaces. The existing commercial building associated with the site has 1,200 square feet of floor area, which requires a minimum of (3) three parking spaces. The existing parking lot is large enough to provide more than the minimum required 12 parking spaces for both buildings.

- 3. Site Plan Requirements:** Converting the existing residential use to an office use requires a site plan to be submitted and approved, and for the site to be brought into conformance with the approved site plan. Applicable site plan requirements include stormwater management, landscaping, and screening of adjoining residential properties. Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.
- 4. Building Code Requirements:** Converting the existing single-family dwelling to an office use requires a new Certificate of Occupancy to be issued by the Permit and Development Center. Upgrades to the building may be required for the dwelling to be converted to a commercial building.

SUMMARY OF DISCUSSION

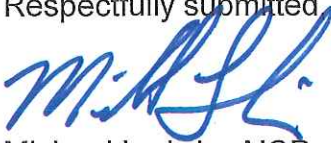
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion for **APPROVAL** of Part A) the proposed rezoning is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use and Part C) **APPROVAL** rezoning the subject property from "R1-60" One-Family Low Density Residential District to "C-0" Commercial-Residential District.

Motion Carried 8-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:tjh

39B

Agape Pregnancy Center (owner) represented by Stephen Siemens (officer) for property at 2008 and 2222 Bennett Avenue. Additional subject property owned by Freedom for Youth Ministries.				File #	
				21-2018-4.23	
Description of Action	Amendment to the PlanDSM future land use classification from Low Density Residential to Community Mixed Use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"C-0" Commercial-Residential 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	X

Agape Pregnancy Center, 2008 and 2222 Bennett Avenue

21-2018-4.23

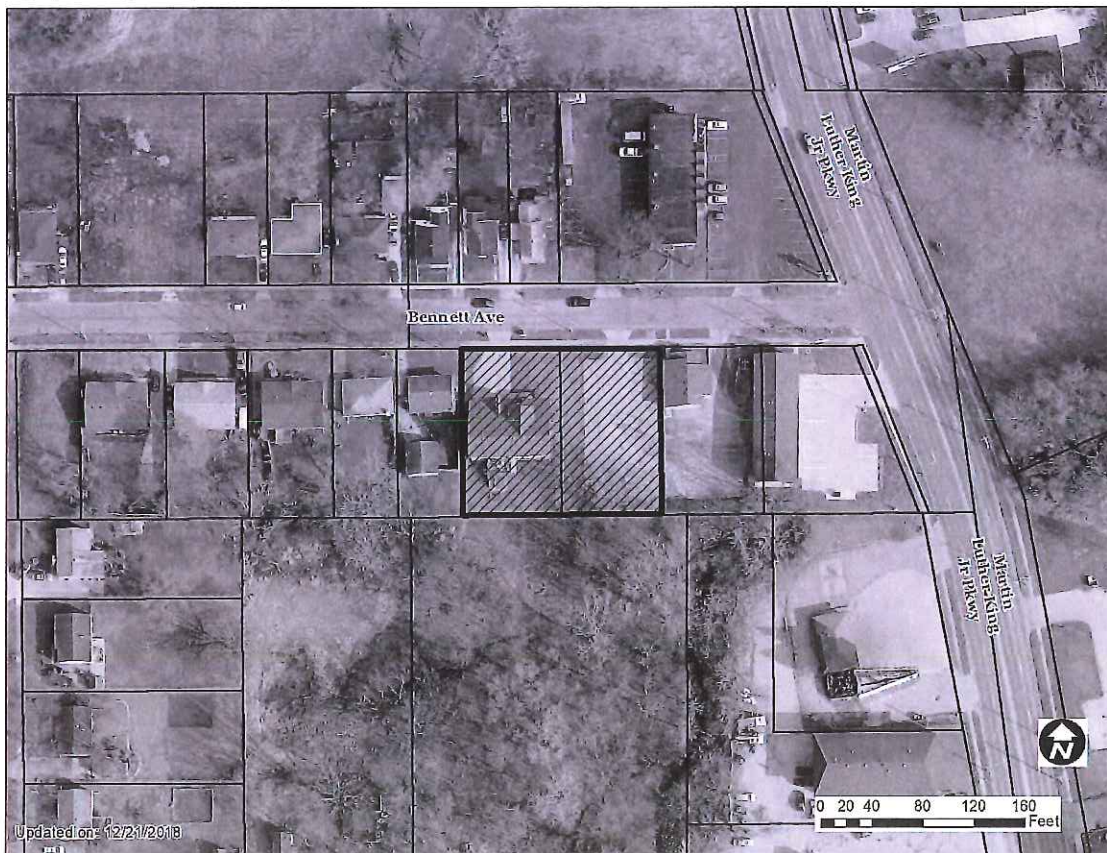


39B

Agape Pregnancy Center (owner) represented by Stephen Siemens (officer) for property at 2008 and 2222 Bennett Avenue. Additional subject property owned by Freedom for Youth Ministries.			File # ZON2018-00253	
Description of Action	Rezone from "R1-60" One-Family Low Density Residential District to "C-0" Commercial-Residential District to allow conversion of an existing supervised group residence to medical and professional counseling offices.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-0" Commercial-Residential 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

Agape Pregnancy Center, 2008 and 2222 Bennett Avenue

ZON2018-00253



1 inch = 88 feet