



**Date** November 4, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM DES MOINES AREA  
COMMUNITY COLLEGE TO REZONE PROPERTY LOCATED AT 1031 AND 1039  
9<sup>TH</sup> STREET AND TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY  
LOCATED IN THE VICINITY OF 1111 9<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 17, 2019, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Des Moines Area Community College (DMACC)(owner), represented by Greg Martin (officer), to rezone property located at 1031 and 1039 9<sup>th</sup> Street (collectively "Property") from "R-4" Multiple-Family Residential District to "PUD" Planned Unit Development, and to amend the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9<sup>th</sup> Street, to allow the Property to be included in the existing PUD and incorporated into the DMACC campus and used to extend an existing surface parking lot, subject to the following conditions on the Conceptual Plan:

1. Provision of a note that states: "landscaping shall be provided with any PUD Development Plan that meets or exceeds the City's Landscaping Standards in place at the time of submittal."
2. Provision of a note that states: "a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation."; and

**WHEREAS**, the Property is legally described as follows:

THE NORTH 41.1 FEET OF LOT 24 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL  $\frac{1}{4}$  OF THE NORTHWEST FRACTIONAL  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA EXCEPT THAT PARCEL CONDEMNED BY THE CITY OF DES MOINES, IN CONDEMNATION PROCEEDINGS FILED IN BOOK 4651, PAGE 350 AND EXCEPT THAT PARCEL DEEDED TO THE CITY OF DES MOINES IN BOOK 9322, PAGE 172, POLK COUNTY, IOWA;

AND

LOT 71 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL  $\frac{1}{4}$  OF THE NORTHWEST FRACTIONAL  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IN BOOK 4606 PAGE 454; AND

**WHEREAS**, if approved, the PUD Conceptual Plan as amended will be legally described as follows:



Date November 4, 2019

EXCEPT THE WEST 5.0 FEET FOR STREET OF THE SOUTH 12 FEET OF LOT 19 AND LOTS 13, 14, 15, 16, 17, AND 18; THE SOUTH 12.0 FEET OF LOT 6 AND ALL OF LOTS 7, 8, 9, 10, 11, AND 12 IN RUSSELL AND HARLAN'S ADDITION, AND OFFICIAL PLAT, AND THAT PART OF LOTS 22 AND 23 NORTH OF THE NORTH RIGHT-OF-WAY LINE OF DAY STREET, OF OFFICIAL PLAT OF THE NORTHEAST 1/4 OF NORTHWEST 1/4 SECTION 4, TOWNSHIP 78 NORTH RANGE 24 WEST OF THE 5TH P.M. AND THE VACATED ALLEY, VACATED BY ORDINANCE 10,458, APRIL 8, 1984, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP, #4821, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF IOWA AND SHOWN ON ATTACHED PLAT OF SURVEY.

AND

THAT PART OF VACATED 8TH STREET RIGHT-OF-WAY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3, BLOCK 6, WALNUT HILL ADDITION, AND OFFICIAL PLAT, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF DAY STREET EXCEPT THAT PART VACATED UNDER ORDINANCE 4862 DESCRIPED AS: BEGINNING AT A POINT 5.5 FEET WEST OF THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 0°(DEGREES) 21' (MINUTES) 41" (SECONDS) WEST, 180.0 FEET; THENCE SOUTH 88°02'45" EAST, 5.5 FEET TO THE NORTHWEST CORNER OF LOT 6, OF SAID BLOCK 6' THEN SOUTH 0°21'41" WEST, 40.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DAY STEET; THENCE NORTH 86°03'19" WEST, 65.87 FEET, ALONG THE NORTH RIGHT-OF-WAY LINE OF DAY STREET, TO THE WEST RIGHT-OF-WAY LINE OF 8TH STREET, THENCE NORTH 0°22'30" EAST 217.71 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 8TH STREET; THENCE SOUTH 88°02'45" EAST, 60.21 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M KLAPP, #4821, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF IOWA AND SHOWN ON ATTACHED PLAT SURVEY.

AND

THE NORTH 41.1 FEET OF LOT 24 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA EXCEPT THAT PARCEL CONDOMNED BY THE CITY OF DES MOINES, IN CONDEMNATION PROCEEDINGS FILED IN BOOK 4651, PAGE 350 AND EXCEPT THAT PARCEL DEEDED TO THE CITY OF DES MOINES IN BOOK 9322, PAGE 172, POLK COUNTY, IOWA

AND





Date November 4, 2019

LOT 71 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IN BOOK 4606 PAGE 454.

**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 and PUD Conceptual Plan amendment are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 18, 2019, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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.

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

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00197)

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

\_\_\_\_\_  
Mayor

#### CERTIFICATE

*I, P Kay Cmelik* 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

Date November 4, 2019  
Agenda Item 29  
Roll Call # \_\_\_\_\_

October 29, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 17, 2019 meeting, the following action was taken regarding a request from Des Moines Area Community College (DMACC) (owner) represented by Greg Martin (officer) to rezone property located at 1031 and 1039 9<sup>th</sup> Street from "R-4" Multiple-Family Residential District to "PUD" Planned Unit Development and amendment of the Human Services Campus PUD Conceptual Plan.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	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			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of Part A) recommending the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) recommending **APPROVAL** of the proposed rezoning from "R-4" District to "PUD" District

and Part C) recommending **APPROVAL** of the proposed Human Services Campus PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states: "landscaping shall be provided with any PUD Development Plan that meets or exceeds the City's Landscaping Standards in place at the time of submittal."
2. Provision of a note that states: "a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation."

(ZON2019-00197)

#### Written Responses

1 in Favor

0 in Opposition

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of the proposed rezoning from "R-4" District to "PUD" District.

Part C) Staff recommends approval of the proposed Human Services Campus PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states: "landscaping shall be provided with any PUD Development Plan that meets or exceeds the City's Landscaping Standards in place at the time of submittal."
2. Provision of a note that states: "a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation."

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

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant has purchased additional property that adjoins their site. The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking.
2. **Size of Site:** The proposed rezoning area measures 0.33 acres. The proposed PUD Conceptual Plan area measures 3.37 acres.
3. **Existing Zoning (site):** "PUD" District, "R-4" District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Green space.



## 5. Adjacent Land Use and Zoning:

**North** – Limited “C-1” & “C-2”: Use is portions of DMMAC Campus located outside of the PUD.

**South** - “R-4”: Use is Interstate 235 corridor.

**East** - “R-4”: Use is portions of the DMMAC Campus located outside of the PUD.

**West** - “R-4”: Uses are multiple-family and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The site is a part of the DMMAC and United Way Campus, which occupies several city blocks. The campus is generally bound by University Avenue to the north, 7<sup>th</sup> Street to the east, Interstate 235 to the south and 9<sup>th</sup> Street to the west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Cheatom Park Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 27, 2019 and the Final Agenda on October 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2019 (20 days prior to the hearing) and October 7, 2019 (10 days prior to the 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 requested rezoning.

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 Cheatom Park Neighborhood Association mailings were sent to Susan Wells, 1157 14<sup>th</sup> Place, Des Moines, IA 50314.

8. **Relevant Zoning History:** The Human Services Campus PUD Conceptual Plan was last amended in 1993, allowing the construction of the southernmost building and surrounding parking lots.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Public/Semi-Public.

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 subject property is designated as "Public/Semi-Public" on the Future Land Use Map. This designation is described as allowing "areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities."
2. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.
  - A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

*The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking.*

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

*The proposed PUD Conceptual Plan amendment proposes to maintain the established setbacks. Screening and landscaping would be evaluated with any future PUD Development Plan (aka: Site Plan). Staff recommends that a note be added to the Conceptual Plan that states "Landscaping shall be provided with any PUD Development Plan that meets or exceeds the City's Landscaping Standards in place at the time of submittal."*

- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

*All grading is subject to an approved 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. The proposed parking lot expansion is not expected to trigger any street or sanitary sewer work. Street Storm water management would be evaluated with any future PUD Development Plan (aka: Site Plan).*



- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

*The proposed parking lot expansion is minimal in scale in comparison to the overall size of the campus and can be adequately served by the adjoining street network. A traffic study is not required in accordance with the City's traffic study policy as the expect vehicle trips generated by the project does not trigger review.*

*Staff recommends that a sidewalk be provide along the north side of Day Street. This will require the approval of the Iowa Department of Transportation, as the adjoin segment if Day Street is State controlled right-of-way.*

- E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

*The dimensions and overall layout of the proposed parking lot expansion project would be evaluated detail during the PUD Development Plan (aka: Site Plan) stage.*

- F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

*The proposed rezoning and PUD Conceptual Plan amendment would allow this property to be incorporated into the DMACC Campus and developed with surface parking. The overall campus includes an adequate amount of greenspace.*

3. **Natural Site Features:** Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Drainage/Grading:** Any development of the site must comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.

## SUMMARY OF DISCUSSION

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

## COMMISSION ACTION:

Dory Briles made a motion for Part A) recommending the proposed rezoning is in conformance with the existing PlanDSM Creating Our Tomorrow future land use



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designation, Part B) recommending **APPROVAL** of the proposed rezoning from "R-4" District to "PUD" District and Part C) recommending **APPROVAL** of the proposed Human Services Campus PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states: "landscaping shall be provided with any PUD Development Plan that meets or exceeds the City's Landscaping Standards in place at the time of submittal."
2. Provision of a note that states: "a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation."

Motion Carried: 13-0

Respectfully submitted,



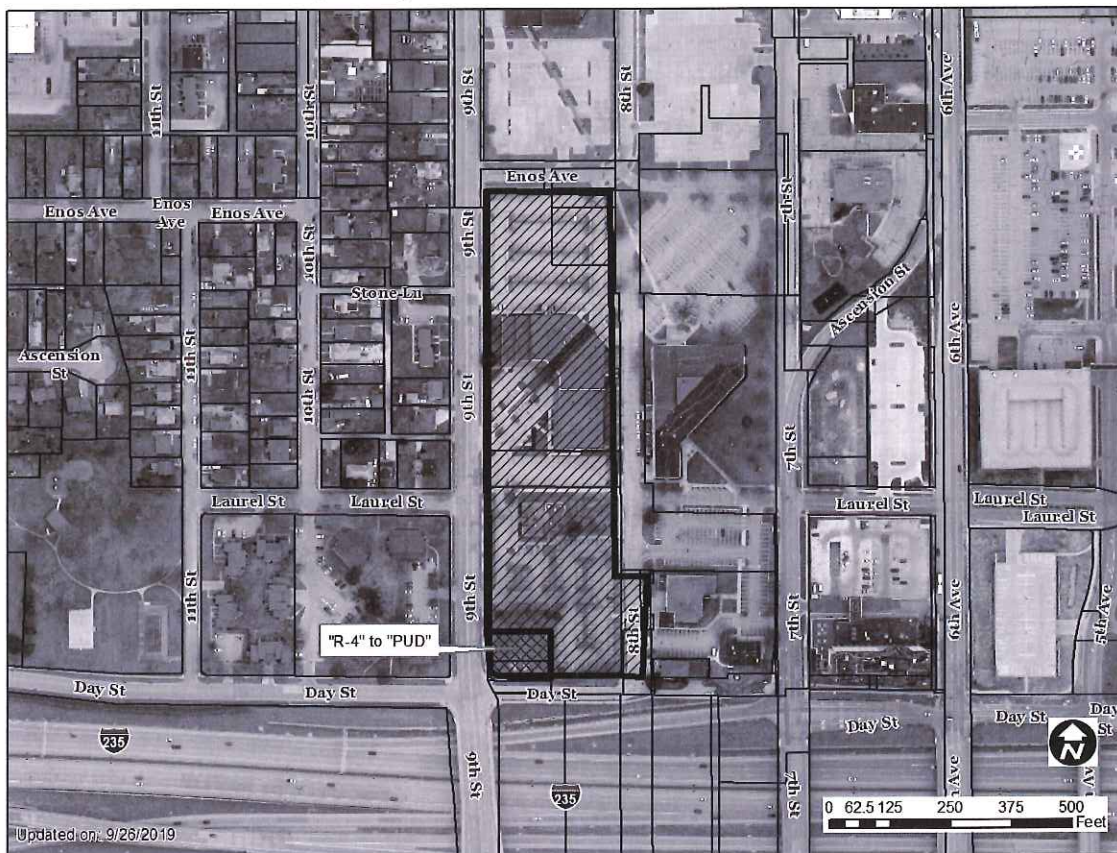
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

Des Moines Area Community College (DMACC) (owner) represented by Greg Martin (officer) for property at 1031 and 1039 9th Street. Additional property within the PUD boundary is owned by United Way of Central Iowa.				File #	
				ZON2019-00197	
Description of Action	Rezone property from "R-4" Multiple-Family Residential District to "PUD" Planned Unit Development. C) Review and approval of an Amendment to the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9th Street to expand the PUD Conceptual Plan area to include the property requested for rezoning and extend the existing surface parking lot.				
PlanDSM Future Land Use	Current: Public/Semi-Public. 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 and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"PUD" Planned Unit Development, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

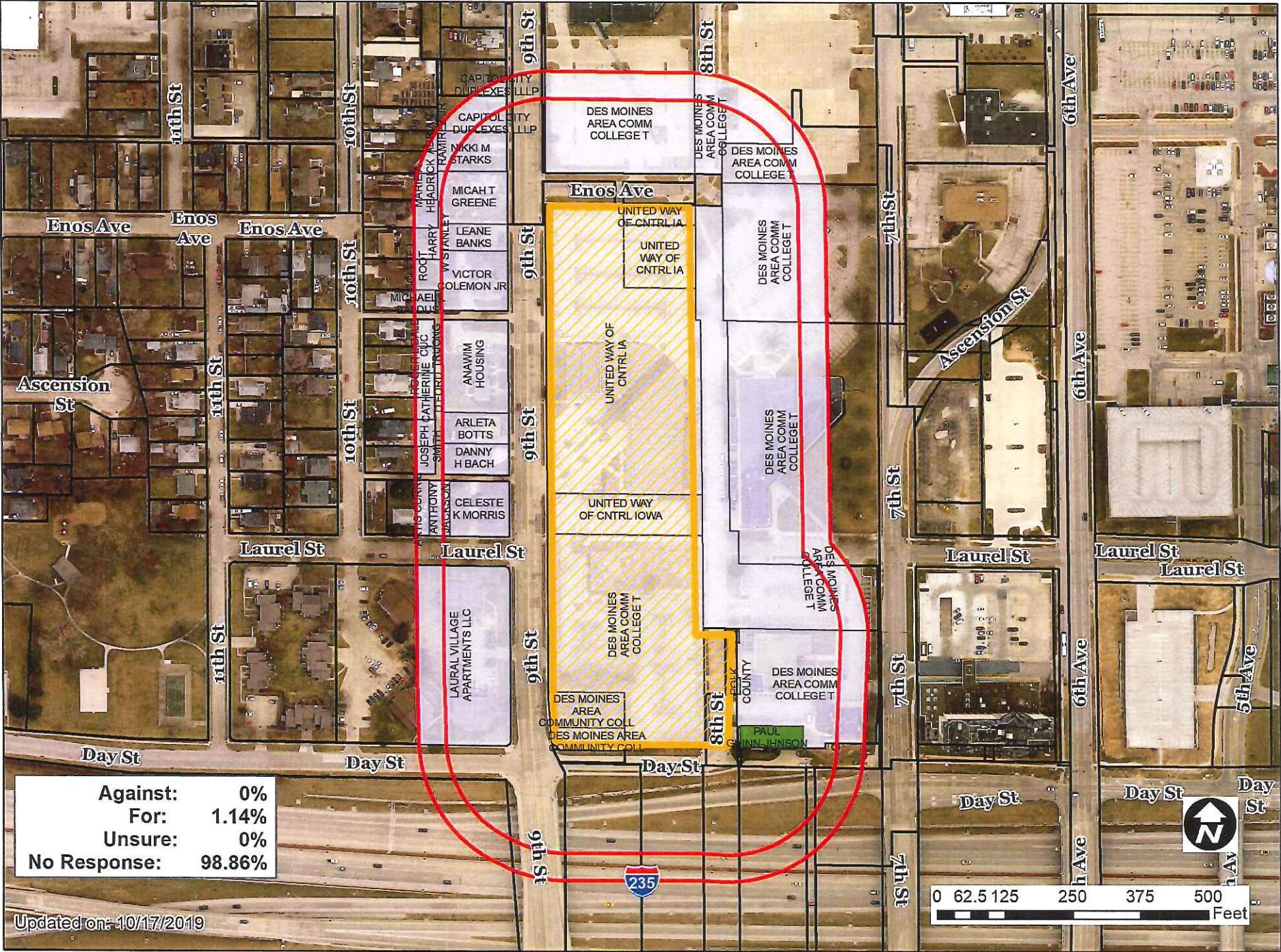
Des Moines Area Community College, 1031 and 1039 9th Street

ZON2019-00197



1 inch = 234 feet





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Item ZON2019-00197

Date 10-10-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

OCT 15 2019

Print Name Paul R. Guinn-Johnson

Signature Paul R. Guinn-Johnson

Address 1041-8th St. DM 50314

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

Additional parking for students  
needed.



