

February 23, 2009

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 5, 2009, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Dr. Greg Peterson (purchaser) to rezone property located at 16 Indianola Road from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow construction of a mixed-use structure with medical and retail uses on the first floor with residential uses on the second floor subject to the following conditions:

1. Prohibition of the following uses:
  - a. Package goods stores for the sale of alcoholic beverages.
  - b. Pawnshops.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  
2. All rooftop mechanical units shall be screened from view.

The subject property is more specifically described as follows:

All that part of Lot 5, South Park, an Official Plat, lying North of the North line of Lot 31, Clifton Heights 1<sup>st</sup> Plat, an Official Plat, and South of Indianola Avenue and bounded on the East by vacated Webster Street, and on the West by Southwest 1<sup>st</sup> Street;

also

All Lots 24, 25, 26, 27, 28, 29, 30, 31, and 32 in said Clifton Heights 1<sup>st</sup> Plat;

also

All that part of said vacated Webster Street right-of-way, being a 30 foot strip of ground, that lies between the westerly extension of the North line of Lot 30 and the easterly extension of the South line of Lot 32 and all that part of the East half of vacated Webster Street right-of-way, being a 15 foot strip of ground, lying South of the easterly extension of the South line of Lot 32 and North of the westerly extension of the South line of Lot 24 of said Clifton Heights 1<sup>st</sup> Plat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

*(Continued)*

February 23, 2009

Date

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on March 9, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. 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.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(ZON2008-00196)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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

Request from Dr. Greg Peterson (purchaser) to rezone property located at 16 Indianola Road. The subject property is owned by Clifton Heights Presbyterian Church of Des Moines.				File # <b>ZON2008-00196</b>	
<b>Description of Action</b>	Rezone property from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to "C-1" Neighborhood Retail Commercial District, to allow construction of a mixed-use structure with medical and retail uses on the first floor with residential uses on the second floor.				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2025 Transportation Plan</b>	Indianola Avenue from 7 <sup>th</sup> Street to SE 1 <sup>st</sup> Street to widen from 2 lanes undivided to 3 lanes undivided				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District and R-3" Multiple-Family Residential District				
<b>Proposed Zoning District</b>	"C-1" Neighborhood Retail Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	6	1		N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

Dr. Greg Peterson - 16 Indianola Road

ZON2008-00196



Date Feb. 23, 2009

Agenda Item 25

Roll Call # \_\_\_\_\_

February 6, 2009

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 February 5, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson			X	
Kent Sovern	X			

**APPROVAL** of staff recommendation to find the proposed rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson			X	
Kent Sovern	X			



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**APPROVAL** of the request to amend the Des Moines' 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor. (21-2008-4.22)

By separate motion Commissioners recommended 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson			X	
Kent Sovern	X			

**APPROVAL** of a request from Dr. Greg Peterson (purchaser) to rezone property located at 16 Indianola Road from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to "C-1" Neighborhood Retail Commercial District, to allow construction of a mixed-use structure with medical and retail uses on the first floor with residential uses on the second floor subject to the following conditions: (ZON2008-00196)

1. Prohibition of the following uses:
  - a. Package goods stores for the sale of alcoholic beverages.
  - b. Pawnshops.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. All rooftop mechanical units shall be screened from view.

Written Responses

6 In Favor  
1 In Opposition

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

Part A) Staff recommends the Commission find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines's 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor.

Part C) Staff recommends approval of the proposed rezoning subject to the following conditions:

1. Prohibition of the following uses:
  - a. Package goods stores for the sale of alcoholic beverages.

- b. Pawnshops.
- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

2. All rooftop mechanical units shall be screened from view.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the applicant to redevelop the site with a mix of commercial and residential uses. The applicant has submitted a conceptual site sketch showing a two-story, mixed-use building. The first floor would contain 18,000 square feet of commercial space. The second floor would contain 12 residential condominium units. The building would also contain a sub-grade parking level with 39 stalls. It is staff's understanding that the applicant will have schematic building elevations to present at the meeting.

Any development that includes multiple-family units must comply with the City's Design Guidelines for Multiple Family Dwellings as approved by the Plan and Zoning Commission during the site plan review process.

2. **Size of Site:** 72,607 square feet or 1.67 acres.
3. **Existing Land Use (site):** Vacant church building and single-family dwelling.
4. **Adjacent Land Use and Zoning:**

**North** – "R-3"; Use is the St. Anthony's Church campus.

**South** – "R1-60"; Uses are single-family residential.

**East** – "C-1"; Uses are a single-family dwelling and an automotive repair shop.

**West** – "R1-60"; Use is single-family residential.

5. **General Neighborhood/Area Land Uses:** The subject site is located on the Indianola Road corridor that contains a mix of commercial and residential uses.
6. **Applicable Recognized Neighborhood(s):** Indianola Hills Neighborhood.
7. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
8. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The proposed "C-1" District is not in conformance with the existing Low Density Residential land use designation. Staff believes that the proposed Commercial: Pedestrian-Oriented Commercial Corridor land use designation is appropriate given the existence of this designation to the east of the subject property and the mixed-use

nature of the Indianola Road corridor. Staff also believes the proposed development is in harmony with the development pattern identified for the north side of the Indianola Road corridor in the recent *2 Rivers District Plan*.

Staff believes that the uses allowed by the “C-1” District are generally appropriate for the site. However, staff does recommend that the prohibition of liquor stores, pawnshops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

2. **Landscaping & Buffering:** The City’s Landscape Standards for the “C-1” District require the provision of 20% open space with one overstory tree, one evergreen tree and one shrub for every 2,500 square feet of required open space. The “C-1” standards would also include the provision of bufferyard plantings of two overstory trees and six evergreen trees per 100 lineal feet of property line, parking lot interior plantings of one overstory tree and three shrubs for every 20 spaces, and parking lot perimeter plantings of one overstory tree and three shrubs per 50 feet of frontage. The applicant would also be required to provide a six-foot tall opaque fence or wall along the south property line to buffer the residential uses to the south.
3. **Site Design:** The applicant has submitted a site sketch that shows the site would be accessed by a drive from SW 1<sup>st</sup> Street to the west and a drive from South Union Street to the east. It would have approximately 75 surface parking spaces along the north and east portions of the site. The building would generally encompass the south and west portions of the site.

Development of the site is subject to compliance with all City site plan and storm water requirements. Storm water, sanitary sewer and water lines are available in the adjoining right-of-ways. All outdoor lighting fixtures will be required to be downward directional, sharp cut-off type fixtures. Any trash enclosure constructed shall consist of masonry walls and 100% opaque steel gates.

The subject property generally sits lower than the surrounding single-family dwellings. Given this grade differential the screening of any rooftop mechanical units will be critical. Staff recommends the provision of screening be a condition of approval.

## **SUMMARY OF DISCUSSION**

There was no one in the audience to speak on this item and no discussion.

## **COMMISSION ACTION**

Bruce Heilman moved staff recommendation to find Part A) the requested rezoning **not** in conformance with the existing Des Moines’ 2020 Community Character Plan.

Part B) Approval of an amendment to the Des Moines’s 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor.

And Part C) Approval of the proposed rezoning subject to the following conditions:

1. Prohibition of the following uses:
  - a. Package goods stores for the sale of alcoholic beverages.
  - b. Pawnshops.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

2. All rooftop mechanical units shall be screened from view.

Motion passed 11-0-1 (Mike Simonson abstained from discussion and vote due to conflict of interest)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Ludwig". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael G. Ludwig  
Planning Administrator

MGL:clw

Attachment

Item ZON 2008-00196

Date 2-2-09

25

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

(Circle One)

**RECEIVED** ✓

Print Name Tina Reed

Signature Tina Reed

FEB 03 2009

Address 1956 S. Union St. Hsm

COMMUNITY DEVELOPMENT DEPARTMENT  
Reason for ~~DEPARTMENT~~ approving this request may be listed below:

Please see Attached!



I'm not at all happy with this project!

I sold my house in Norwalk because I found this residential property in a quiet neighborhood without apartments or businesses close by.

It has a beautiful full view of trees, and over looking them is a great view of downtown.

And if they build here, they will have to cut away most of the hillside and I don't see how they can do this without cutting down the trees.

I put a lot of money in my home because I felt it was the "One" and now to find out someone is wanting to build retail office's, apartments and high traffic parking that will be **right up next** to my home.

I do not want to look at the back side of a large building, or being eye level with apartments.

I feel not only will this create busy, high and bad traffic of all kinds, but it would probably raise my taxes and lower the value of my home.

This is a RESIDENTIAL area and this is why I bought my home here... because it is residential and I didn't want to see or hear traffic coming and going while in my yard or out the window.

My street is a small gravel road that is about 150 feet long and according to the plans the entrance is going to be built near my entrance.

Not only do I not like the idea of traffic near my entrance, but this new road would have to be paved, maintained and someone will have to cover the cost of repairs etc...

I do not want to pay for this, nor can I afford higher taxes.

I feel they need to build their retail/office/apartments in business areas that are already zone for such complex's.... not in residential areas where people build their homes and raise their kids! I also feel, once the zoning **is** changed, they are able to change any plans and build as they see fit.

Also, with all the drainage issues and cutting deep into a steep hill, I do not see how this can be done without creating many problems.

I know I'm only one cog in the wheel, and money over powers, but I wanted my opinion to be known that I do **NOT** approve of this project!

**Tina L. Reed 1956 S. Union St. Des Moines, IA. Item #ZON2008-00196**

**RECEIVED**

FEB 03 2009

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Item ZON2008-00196 Date 1-28-09

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

25

**RECEIVED**

Print Name Bernard Lippold

FEB 03 2009 Signature Bernard Lippold

COMMUNITY DEVELOPMENT DEPARTMENT Address 9 SW Hillside Ave

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

The roof of the former church on the subject property has collapsed. It will be much better for the neighborhood to have a developed property rather than a vacant lot.

Item ZON2008-00196 Date 1-30-09

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

(Circle One)

**RECEIVED**

Print Name

Signature Richard F Smith

FEB 03 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

IT will be an improvement to the area, site wise.

Item ZON2008-00196 Date 1/29/09

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

(Circle One) **RECEIVED**

Print Name Dennis Pederson

Signature D Pederson

FEB 03 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Address #1 56th St DEN

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

it will put some previously un taxed property on the tax rolls - and at a high number

