

★ **Roll Call Number**

Agenda Item Number
67A

Date December 18, 2006

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and


WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 16, 2006, the members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Rick A. Lee (owner) to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Pedestrian-oriented Neighborhood Node for property located at 3510 Cottage Grove Avenue. Subject property is more specifically shown in the accompanying map.

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

1. That the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.
2. That all other parts of said Des Moines 2020 Community Character Land Use Plan are hereby deemed to remain in full force and effect and the Plan adopted by the City Council by Roll Call No. 00-3381 on August 7, 2000, and all subsequent amendments thereto including the amendment herein shall constitute the official comprehensive plan known as the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to approve the proposed amendment.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(21-2006-4.18)

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

December 18, 2006

67A

Honorable Mayor and City Council
City of Des Moines, Iowa

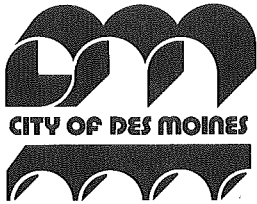
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 16, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace				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 a request from Rick A. Lee (owner) to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Pedestrian-oriented Neighborhood Node for property located at 3510 Cottage Grove Avenue. (21-2006-4.18)

By same motion and vote, members moved for **APPROVAL** of a request to rezone subject property from Rick A. Lee (owner) to rezone subject property from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District, subject to the following limitations: (ZON2006-00031)

- A. Permitted uses on the site shall be limited to the following:
 - 1. Any uses as permitted in the "R1-60" District.
 - 2. Office space, subject to the following limitations:
 - a) There shall be no more than 1,848 square feet of floor area within any structure.
 - b) Outdoor storage of materials, trailers, and equipment shall be prohibited.
 - c) All refuse and trash disposal containers shall be contained within a solid enclosure that complies with the Site Plan regulations.
 - d) Landscaping and screening shall be provided in accordance with the Des Moines Landscape Standards for "C-1" District.
 - e) Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.
 - f) Business hours shall be limited to between 6:00 AM and 10:00 PM.

- B. Retention of the three existing overstory trees along the southern boundary of the site.
- C. All improvements made to the site shall be in substantial compliance with a site plan as approved by the Permit and Development Center.

Written Responses

5 In Favor

4 In Opposition

This item would not require a 6/7 vote at City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends approval of the request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Pedestrian-oriented Neighborhood Node.

Part B) Staff recommends that the proposed rezoning to a Limited "C-1" District classification be found in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Commercial: Auto-Oriented Small-Scale Strip Development.

Part C) Staff recommends rezoning the property to a Limited "C-1" Neighborhood Retail District subject to the following limitations:

- 1. Permitted uses on the site are limited to the following:
 - a. Any used as permitted in the "R1-60" District.
 - b. Office space, subject to the following limitations:
 - i. There shall be no more than 1,848 square feet of floor area within any structure.
 - ii. Outdoor storage of materials, trailers, and equipment shall be prohibited.
 - iii. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
 - iv. Landscaping and screening shall be provided in accordance with the Des Moines Landscape Standards for "C-1" District.
 - v. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.
 - vi. Business hours shall be limited to between 6:00 AM and 10:00 PM.
- 2. Retention of the three existing overstory trees along the southern boundary of the site.
- 3. All improvements made to the site shall be in substantial compliance with a site plan as approved by the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to rezone the parcel in order to utilize the existing structure for a commercial office use. According to the submitted site sketch, the existing 1,848-square foot structure would be renovated and a 5-stall off-street parking lot would be constructed with a one-way access drive from Cottage Grove Avenue exiting to 35th Street.

Any reuse of the existing structure for a commercial use would be subject to compliance with the building code and issuance of all necessary permits from the Permit and Development Center. In addition, any commercial reuse of the site would be subject to review and approval of a site plan by the Permit and Development Center staff.

- 2. Size of Site:** 50' x 141' or 7,050 square feet (0.16 acre).
- 3. Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. Existing Land Use (site):** The parcel includes a 44' x 42' (1,848 square feet) commercial structure oriented toward Cottage Grove Avenue on the western portion of the lot. The balance of the site is open space.

5. Adjacent Land Use and Zoning:

North - "R1-60", Uses are east/west Cottage Grove Avenue and the Greek Orthodox Church of Saint George.

South – "R1-60", Use is a three-family residential dwelling.

East – "R1-60", Uses are north/south 35th Street and a two-family dwelling.

West – "R1-60", Uses are a north/south alley and a single-family residential dwelling.

- 6. General Neighborhood/Area Land Uses:** The subject property is located in a mixed-density residential area.
- 7. Applicable Recognized Neighborhood(s):** Drake Neighborhood.
- 8. Relevant Zoning History:** NA.
- 9. 2020 Community Character Land Use Plan Designation:** Low Density Residential.
- 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. 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. Permit and Development Center Comments:** Renovation and reuse of the existing structure for a commercial use would be subject to compliance with the building code and issuance of all necessary permits from the Permit and Development Center. In addition, any commercial reuse of the site would be subject to review and approval of a site plan by the Permit and Development Center staff.
- 2. Drainage/Grading:** Construction of any parking lot on the site would be subject to compliance with an approved site plan that satisfies the City's standards for storm water management.

3. **Landscaping & Buffering:** The applicant will be required to provide landscaping in conformance with the Des Moines Landscape Standards for any commercial use of the subject property. This will require bufferyard setbacks, plantings and screening from the residential properties to the south, as well as a minimum 20% open space and plantings.

According to the submitted site sketch, the 3 existing overstory trees along the southern boundary of the site would remain.

4. **Traffic/Street System:** The subject property is located at the southwest corner of Cottage Grove Avenue and 35th Street. The adjoining streets can adequately accommodate traffic generated by an office use.
5. **Access or Parking:** According to the submitted site sketch, the applicant would construct a 5-stall off-street parking lot with a one-way access drive from Cottage Grove Avenue exiting to 35th Street. The existing 1,848-square foot structure would require 5 stalls (1 stall per 400 square feet of office space).
6. **2020 Community Character Plan:** Although the applicant has proposed rezoning to a "C-2" General Retail and Highway-Oriented Commercial District classification, the proposed office use would be permitted under the "C-1" Neighborhood Retail Commercial District zoning classification. Staff believes that a Limited "C-1" District classification would be appropriate for the site, as it would allow reuse of an existing commercial structure while having minimal impacts on the surrounding neighborhood. Staff believes that it is reasonable to allow commercial reuse of the structure that was originally constructed for a commercial use. The Limited "C-1" District zoning classification is in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Pedestrian-oriented Neighborhood Node.
7. **Additional Information:** Staff believes that any use of the property for an office use should be subject to the following limitations on the entire property:
 - a. There shall be no more than 1,848 square feet of floor area within any structure.
 - b. Outdoor storage of materials, trailers, and equipment shall be prohibited.
 - c. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
 - d. Landscaping and screening shall be provided in accordance with the Des Moines Landscape Standards for "C-1" District.
 - e. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.
 - f. Business hours shall be limited to between 6:00 AM and 10:00 PM.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. C-2 was recommended at the time of the pre-application meeting and the original application was notified as C-2, but the recommendation is actually to go to a Limited C-1. (Staff wants to encourage the reuse and renovation of an existing commercial building as a resource in the neighborhood.)

Todd Hotchkiss, 1050 45th Street, Project Architect: Noted the building will be renovated in scale with the older architecture in the neighborhood.

Rick Lee, 3931 Cottage Grove: Understood the rezoning is for Limited C-1 and indicated the neighbors can speak on their own behalf. Indicated he is in agreement with all staff recommendations.

Brian Millard: Asked if the dumpster enclosure could be 100% solid screen.

Rick Lee: Agreed.

CHAIRPERSON OPENED THE PUBLIC HEARING

Joe Fagan, 3424 Cottage Grove: Understood about the cards being received as a result of the C-2 rezoning notice. Noted he is speaking in support; they are against C-2, but in favor of limited C-1. Read a letter that he submitted for the record and presented a petition that was entered into the record.


Joe Henry, 2463 E. Highview Drive: Noted the applicant has done a tremendous job renovating his home and indicated the subject site would be excellent.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Brian Millard: Moved staff recommendation to include a solid trash enclosure.

Motion passed 13-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

67A

Ricky Lee - 3510 Cottage Grove Avenue

21-2006-4.18

