

Date June 24, 2013

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 May 2, 2013, the members voted 9-1 to recommend **APPROVAL** of a request from Scott Hartsook and Dennis Groenenboom (purchasers) to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node for property located at 3500 Kingman Boulevard.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.

MOVED by \_\_\_\_\_ to approve the proposed amendment.

FORM APPROVED:

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

(21-2013-4.11)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

May 7, 2013

Date 5/7/13  
 Agenda Item 50A  
 Roll Call # 13-0940

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 May 2, 2013, the following action was taken regarding a request from Scott Hartsook and Dennis Groenenboom (purchasers) to rezone property at 3500 Kingman Boulevard, to rezone property at 3500 Kingman Boulevard. The subject property is owned by Parker Street Foundation and Harold Wells.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald				X
Dann Flaherty				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee				X
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of Part A) to find the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential.

By separate motion Commissioners recommended 9-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald				X
Dann Flaherty				X
John "Jack" Hilmes	X			
Ted Irvine	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

Commission Action:	Yes	Nays	Pass	Absent
Greg Jones	X			
William Page	X			
Christine Pardee				X
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill		X		
Greg Wattier	X			

**APPROVAL** of Part B) to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node; and Part C) to approve the rezoning from "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District, to allow use of the property for assembly and small office uses, subject to the following conditions:(ZON2013-00052 & 21-2013-4.11)

1. The use of the property shall be limited to the following:
  - a) Any use as allowed and limited in the "R1-60" District.
  - b) Office space.
  - c) Events center for meeting, reception, or assembly space.
2. Any use of the site and any future site modifications shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District as approved by the Plan & Zoning Commission.
3. Any use of the building must be in compliance with all City Building and Fire Codes, including those related to occupancy loads, emergency exits, and restroom facilities.
4. In order to comply with minimum parking requirements, any use of the premises for an office and/or events center use shall occupy no more than 1,200 square feet of area for office space and no more than 1,950 square feet of assembly space.
5. The existing structure shall not be expanded and shall not be modified to alter the existing residential character.
6. The property shall not be a permanent licensed establishment for selling alcoholic liquor, wine, and/or beer. However, caterers, residents, renters, and guests may serve and consume alcoholic liquor, wine, and/or beer in accordance with all City and State requirements.
7. Hours of operation shall be limited to between 7:00 AM to 12:00 AM, with all events ending by 11:00 PM.
8. A 6-foot tall solid wood fence shall be provided along the west property line within the rear yard area, located on either the subject property or the adjoining property.
9. Signage on the premises shall be limited a monument sign not to exceed 24 square feet.
10. The Site shall operate in compliance with article IV of chapter 42 of the Municipal Code (Noise Control Ordinance).

11. Any residential dwelling unit within the structure shall be in accordance with any necessary Rental Certificate as issued by the City's Neighborhood Inspections Division.
12. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.
13. A buffer be provided that is deemed suitable by the applicant, neighbor and staff.

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

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node.

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

1. The use of the property shall be limited to the following:
  - a) Any use as allowed and limited in the "R1-60" District
  - b) Office space.
  - c) Events center for meeting, reception, or assembly space.
2. Any use of the site and any future site modifications shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District as approved by the Plan & Zoning Commission.
3. Any use of the building must be in compliance with all City Building and Fire Codes, including those related to occupancy loads, emergency exits, and restroom facilities.
4. In order to comply with minimum parking requirements, any use of the premises for an office and/or events center use shall occupy no more than 1,200 square feet of area for office space and no more than 1,950 square feet of assembly space.
5. The existing structure shall not be expanded and shall not be modified to alter the existing residential character.
6. The property shall not be a permanent licensed establishment for selling alcoholic liquor, wine, and/or beer. However, caterers, residents, renters, and guests may serve and consume alcoholic liquor, wine, and/or beer in accordance with all City and State requirements.
7. Hours of operation shall be limited to between 7:00 AM to 12:00 AM, with all events ending by 11:00 PM.



8. A 6-foot tall solid wood fence shall be provided along the west property line within the rear yard area, located on either the subject property or the adjoining property.
9. Signage on the premises shall be limited a monument sign not to exceed 24 square feet.
10. The Site shall operate in compliance with article IV of chapter 42 of the Municipal Code (Noise Control Ordinance).
11. Any residential dwelling unit within the structure shall be in accordance with any necessary Rental Certificate as issued by the City's Neighborhood Inspections Division.
12. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

#### Written Responses

7 In Favor

3 In Opposition

### **STAFF REPORT**

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

1. **Purpose of Request:** The proposed rezoning would allow use of the property for office space and/or an events center space. The property has been operating as an events center known as the "Thoreau Center" since approximately 1979, although neither the applicant nor City Staff have been able to find documentation of any action to legally establish such use on a property zoned "R1-60" One-Family Low-Density Residential District. It is speculated that the use of the property initially began as a religious institution, which morphed over time into a commercial use.

If rezoned to "NPC" District, any commercial use of the site and any future site modifications would require approval of a Site Plan and building elevations by the City's Plan and Zoning Commission in accordance with the "NPC" Design Guidelines. The "NPC" District regulations are intended to allow pedestrian-oriented uses and allow for a reduction to the number of required parking spaces.

The applicants have indicated they would operate the Thoreau Center as a community center to host meetings, classes, or events such as weddings, receptions, fundraisers, graduations, baby showers, anniversaries, or retirements. They would lease the upper level of the building as office space for tenants such as writers, attorneys, and accountants. The applicants do not intend to construct any building additions or make significant site modifications. They would retain the existing paved area to the rear (south) of the structure in order to provide approximately three (3) off-street parking spaces, including a handicap-accessible parking space.

2. **Size of Site:** 184 feet by 150 feet (27,600 square feet or 0.63 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.

4. **Existing Land Use (site):** The site contains a 3,606-square foot building with a 460-square foot attached garage. The structure was originally constructed as a single-family dwelling that has been converted to an assembly use.

5. **Adjacent Land Use and Zoning:**

**North** – “R1-60”; Uses are one- and two-family residential dwellings.

**South** – “R1-60”; Use is Des Moines Fellowship Church.

**East** – “R-3”; Use is a 4-unit multiple-family residential structure.

**West** – “R1-60”; Use is a single-family residential dwelling.

6. **General Neighborhood/Area Land Uses:** The subject property is located along Kingman Boulevard in an area that includes a mix of residential uses. A single-family dwelling located adjacent to the west and a church is located adjacent to the south.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on April 12, 2013 and a Final Agenda on April 26, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on April 12, 2013 (20 days prior to the hearing) and April 22, 2013 (10 days prior to the hearing) to the Drake 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 Drake Neighborhood Association notices were mailed to Deric Gourd, 2422 Drake Park Avenue, Des Moines, IA 50311.

The applicants held their required neighborhood meeting on April 23, 2013.

8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** The subject property is located within an area designated in the Des Moines’ 2020 Community Character Plan as Low-Density Residential. The applicant has requested that the designation be amended to Commercial, Pedestrian-Oriented, Neighborhood Node to allow for the proposed rezoning.

In 2011, the City adopted the Drake Neighborhood Action Plan to guide future development and redevelopment within the neighborhood. The plan calls for preserving the low-density residential character of the residential areas that are not located along the major corridors, such as University Avenue and Forest Avenue. Another goal of this plan is to provide quality pedestrian-oriented commercial uses within in the Drake Neighborhood. Therefore, staff believes the proposed rezoning to “NPC” District is appropriate so long as there are the proper zoning limitations to ensure future use of the building is compatible with the nearby residential uses.

10. **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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. 2020 Community Character Land Use Plan:** The proposed “NPC” District requires the Des Moines’ 2020 Community Character Plan to be amended to revise the future land use designation for the property from Low Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node. In order for this commercial designation to be compatible with the surrounding residential neighborhood, staff recommends that the zoning conditions listed in the Staff Recommendation section of this report be adopted to regulate any commercial use.

- 2. Permitted Uses:** The applicants agree to limit permitted uses on the property to any use as allowed and limited in the “R1-60” District; office use; and/or an events center use for meeting, reception, or assembly space.

Given the proximity of the residential property to the west, Staff recommends that if the premise is used for an events center, the subject property shall not be permitted to be a permanent licensed establishment for selling alcoholic liquor, wine, and/or beer. Caterers, residents, renters, and guests would be permitted to serve and consume alcoholic liquor, wine, and/or beer in accordance with all City and State requirements. Staff also recommends that hours of operation be limited to between 7:00 AM to 12:00 AM, with all events ending by 11:00 PM. Staff also recommends that a 6-foot tall solid wood fence be located along the west property line within the rear yard area, which can be provided on either the subject property or the adjoining property.

Furthermore, any use of the building for an events center use must be in compliance with all City Building and Fire Codes, including those related to occupancy loads, emergency exits, and restroom facilities. The site must also operate in compliance with article IV of chapter 42 of the Municipal Code (Noise Control Ordinance).

- 3. Urban Design:** The applicant does not anticipate any building additions or significant modifications to the structure. Staff recommends a zoning condition to state that the existing structure shall not be expanded and shall not be modified to alter the existing residential character.

There is an existing monument sign for the “Thoreau Center” in front of the building. While it is not anticipated that this sign would be replaced, Staff recommends that signage on the premises be limited to a monument sign not to exceed 24 square feet in area.

- 4. Parking & Access:** The parking standards for the “NPC” District allow for a 40% reduction to the required off-street parking and allow for on-street parking spaces to be counted towards meeting the parking requirement if they adjoin the subject property.

The applicants intend to utilize approximately 1,041 square feet of area within the structure for office space and approximately 1,900 square feet of area within the structure for assembly space. Under typical zoning requirements, this would require 16



parking spaces, including 3 spaces for the office space (1 per 400 square feet) and 13 spaces for the assembly space (1 per 150 square feet). However, the 40% reduction permitted by the "NPC" District regulations would reduce the off-street parking requirement to 10 spaces.

The property can provide 10 parking spaces, including three (3) spaces within the existing paved parking area to the south (rear) of the structure and seven (7) on-street spaces within a 145-foot stretch along adjoining Kingman Boulevard. In order to comply with minimum parking requirements in an "NPC" District, any use of the premises for an office and events center use could occupy no more than 1,200 square feet of area for office space and no more than 1,950 square feet of assembly space.

- 5. Permit & Development Center Comments:** Any renovation of the building must be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.

Any residential dwelling unit within the structure shall be in accordance with any necessary Rental Certificate as issued by the City's Neighborhood Inspections Division.

- 6. Site Plan Requirements:** Any commercial use of the property must conform to the City's site plan requirements, including those regarding stormwater management, landscaping, and screening of adjoining residential properties.

Any trash enclosure on the site must conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

- 7. NPC Design Guidelines:** Should the property be rezoned to "NPC" District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the "NPC" District. *(A Site Plan has not been submitted for consideration at this time.)*

- A) Buildings should frame the street and maintain a minimal setback from the street.
- B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
- C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
- D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
- E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
- F) Building frontage should occupy at least 50 percent of the primary street frontage.
- G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
  - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
  - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.



