



Date October 21, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2013, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Pharmco Properties (owner) represented by Michael Wolnerman (officer) to rezone property located at 2679 Maury Street from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District to allow reuse of the existing commercial building for neighborhood level retail or office uses subject to the owner agreeing to the following conditions:

1. Prohibit the use of the property for automotive and motorcycle accessory and parts stores, bakeries, furniture stores, gas stations, household appliance sales and repair, locker plants, lawn mower repair shops, multiple-family residential and upholstery shops.
2. Vehicular driveway access for any commercial or office use may only be from Maury Street.
3. Any reuse of the property for commercial use shall be subject to all Building Codes and must demonstrate the required certificate of occupancy from the Permit and Development Center. It shall also be subject to approval of a Site Plan under current regulations by the Permit and Development Center.

The subject property is more specifically described as follows:

All Lots 1 through 10, and all Lots 36 through 46, and vacated North/South alley Right-of-Way East of and adjoining Lots 36 through 46, Block 8, Larison Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 November 4, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.

-Continue-



Roll Call Number

Agenda Item Number

13

Date October 21, 2013

- 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

(ZON2013-00158)

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



October 10, 2013

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 October 3, 2013, the following action was taken regarding a request from Pharmco-Properties (owner) represented by Michael Wolnerman (officer) to rezone property located at 2679 Maury Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 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			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	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; approval of a request to amend the Des Moines' 2020 Community Character Plan revising the future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented, Neighborhood Node; approval of a request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low/Medium Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor; and approval of a of the requested rezoning to a Limited "C-1" District subject to the owner agreeing to the following conditions:

(21-2013-4.22 & ZON2013-00158)

1. Prohibit the use of the property for automotive and motorcycle accessory and parts stores, bakeries, furniture stores, gas stations, household appliance sales and repair, locker plant, lawn mower repair shops, multiple-family residential and upholstery shops.



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

2. Vehicular driveway access for any commercial or office use may only be from Maury Street.
3. Any reuse of the property for commercial use shall be subject to all Building Codes and must demonstrate the required certificate of occupancy from the Permit and Development Center. It shall also be subject to approval of a Site Plan under current regulations by the Permit and Development Center.

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

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

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

Part C) Staff recommends approval of the requested rezoning to a Limited "C-1" District subject to the owner agreeing to the following conditions:

1. Prohibit the use of the property for automotive and motorcycle accessory and parts stores, bakeries, furniture stores, gas stations, household appliance sales and repair, locker plant, lawn mower repair shops, multiple-family residential and upholstery shops.
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### Written Responses

- 4 In Favor
- 1 In Opposition

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant proposes to reuse the existing 5,151-square foot building and associated site for neighborhood retail or office use.
2. **Size of Site:** 1.74 acres.
3. **Existing Zoning (site):** "R1-60" One Family Low-Density Residential District.
4. **Existing Land Use (site):** Vacant commercial building with a previous occupancy of medical offices.

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

**North** – “R1-60”, Uses are single-family dwellings.

**South** – “R1-60”, Uses are single-family dwellings.

**East** – “R1-60”, Uses are single-family dwellings.

**West** – “R1-60”, Uses are single-family dwellings.

**6. General Neighborhood/Area Land Uses:** The surrounding area is a residential neighborhood on the southeast side of the City that is situated between separate industrial districts.

**7. Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood or within 250 feet of a recognized neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 13, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 13, 2012 (20 days prior) and September 23, 2013 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 27, 2013.

The applicant is responsible for conducting a neighborhood meeting inviting surrounding property owners within 250 feet. This meeting was held by the applicant at the site on September 24. The applicant will provide a summary of the meeting at the public hearing.

**8. Relevant Zoning History:** N/A.

**9. 2020 Community Character Land Use Plan Designation:** Low-Density Residential.

**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 INFORMATION**

**1. Natural Features:** The site is currently built as a commercial site and has mature tree plantings within the open space areas. There are not any improvement plans indicated by the applicant at this time that would remove any trees. Any future redevelopment of the property would be subject to all Tree Protection and Mitigation Ordinances.

**2. Landscaping:** With approval of the requested rezoning, reuse of the property will require landscaping in accordance with “C-1” District requirements in the Des Moines Landscape Standards in the Site Plan policies. This will require an administrative review of a minor Site Plan to verify required landscaping and screening/fencing.

3. **Traffic/Street System:** Vehicular access is currently provided to the property from two drive entrances onto Maury Street. There are single-family residences on both Southeast 26<sup>th</sup> Court and Southeast 27<sup>th</sup> Street across from the subject property, therefore commercial access to those streets would not be appropriate. Staff recommends that commercial access to these streets be prohibited as a condition of any rezoning to a commercial designation. The applicant has not indicated any intentions to reconfigure the existing access to the site.
  
4. **2020 Community Character Plan:** The proposed "C-1" District zoning is a neighborhood oriented type commercial zoning which is more restrictive than the commercial uses and development pattern that are intended by the Commercial: Auto-Oriented Small-Scale Strip Development future land use designation of the property. The existing designation for future land use of Low-Density Residential will not permit the proposed zoning. Staff recommends that the commission find the proposed rezoning not in conformance with the Des Moines' 2020 Community Character Plan. However, because of nature of the site being developed as a commercial property, staff believes that it would be appropriate to designate as a Neighborhood Node which was requested by the applicant. There are a few uses that are permitted in "C-1" Districts which would not be appropriate in the specific location. Therefore it is recommended that the uses of automotive and motorcycle accessory and parts stores, bakeries, furniture stores, gas stations, household appliance sales and repair, locker plant, lawn mower repair shops, and upholstery shops be prohibited.

## **SUMMARY OF DISCUSSION**

There was no discussion.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

There was no one to speak in favor or in opposition of the applicant's request.

## **COMMISSION ACTION:**

Greg Jones moved staff recommendation that the proposed rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan; to approve the requested amendment to the Des Moines' 2020 Community Character Plan, revising the future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented, Neighborhood Node; and approval of the requested rezoning to a Limited "C-1" District subject to the owner agreeing to the following conditions:

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Motion 13-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jason Van Essen', with a long horizontal flourish extending to the right.

Jason Van Essen, AICP  
Senior City Planner

JMV:clw

Attachment



