



Date February 24, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM CATHOLIC HEALTH INITIATIVE – IOWA CORPORATION, TO REZONE PROPERTY LOCATED IN THE VICINITY OF 320 CREIGHTON AVENUE FROM “R1-60” ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO “C-0” COMMERCIAL RESIDENTIAL DISTRICT, TO ALLOW CONSTRUCTION OF A MAINTENANCE BUILDING IN SUPPORT OF THE MERCY HOSPITAL COMPLEX AND SURROUNDING RELATED PROPERTIES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 6, 2014, its members voted 8-0-1 in support of a motion to recommend **APPROVAL** of a request from Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) to rezone property in the vicinity of 320 Creighton Avenue from “R1-60” One-Family Low-Density Residential District to “C-0” Commercial Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties.

WHEREAS, the subject property is more specifically described as follows:

Lots 101, 110 and 111 and the North 1/2 of the vacated East/West alley right-of-way lying South of and adjoining said Lots 110 and 111, in RUTHERFURD HEIGHTS, 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 March 10, 2014, 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.



Roll Call Number

Agenda Item Number

24

Date February 24, 2014

-2-

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\Catholic\RC Set Hrg.docx

(ZON2013-00204)

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

REGISTER ORDER NO. _____ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF HEARING

TO WHOM IT MAY CONCERN

Notice is hereby given that on March 10, 2014, at 5:00 P.M., in the Council Chambers at City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) to rezone property located in the vicinity of 320 Creighton Avenue from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties. The property is more specifically described as:

Lots 101, 110 and 111 and the North 1/2 of the vacated East/West alley right-of-way lying South of and adjoining said Lots 110 and 111, in RUTHERFURD HEIGHTS, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

A map of the subject property is on file and available for public inspection in the office of the City Clerk.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA

By: _____
T.M. Franklin Cownie, Mayor

Published in the Des Moines Register on _____



February 14, 2014

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 6, 2014, the following action was taken regarding a request from Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) to rezone property in the vicinity of 320 Creighton Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	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 staff recommendation to find the proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential; **APPROVAL** of an amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public; and **APPROVAL** of the request to rezone from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial Residential District, to allow construction of a maintenance building in support of the Mercy

Hospital Complex and surrounding related properties.
(21-2013-4.28 & ZON2013-00204)

(21-2013-4.28 & ZON2013-00204)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found 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 to revise the future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public.

Part C) Staff recommends approval of the requested rezoning to "C-0" Commercial-Residential District.

Written Responses

1 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to develop an accessory maintenance garage on the northern portion of the split- zoned property in an area where paved off-street parking has already been extended. It also seeks to bring additional off-street parking area already developed within the residential zoned property into conformance with zoning. The proposed "C-0" District allows hospital, office, and accessory uses.
- 2. Size of Site:** Approximately 21,475 square feet (0.49 acres).
- 3. Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
- 4. Existing Land Use (site):** The subject property is currently developed with paved off-street parking in support of the adjoining office use and the greater Mercy Hospital complex.
- 5. Adjacent Land Use and Zoning:**
 - North** – "R1-60", Uses are single-family dwellings.
 - South** – "C-2", Use is Mercy University Office Plaza.
 - East** – "R1-60", Uses are off-street parking and single-family dwellings.
 - West** – "C-2" & "PUD", Uses are off-street parking and an assisted living residential facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of the University Avenue corridor around the Mercy Hospital complex.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the River Bend Neighborhood and within 250 feet of the Cheatom Park Neighborhood to the west. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on December 30, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on December 27, 2013 (20 days prior) and January 6, 2014 (10 days prior to the scheduled hearing) to the River Bend Association and Cheatom Park Neighborhood Association contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 10, 2013.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The River Bend Association mailings were sent to Mike Hildebrand, 410 Franklin Avenue, Des Moines, IA 50315. The Cheatom Park Neighborhood mailings were sent to Don Curry, 1189 10th Street, Des Moines, IA 50314.

The applicant is required to schedule a neighborhood meeting prior to the hearing which includes invitation to neighborhood contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Due to the holiday schedule and weather issues, the applicant has indicated that they were unable to successfully schedule a neighborhood meeting. Therefore the applicant has requested continuance to the February 6, 2014 meeting.

8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor.
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. **Parking/Access:** The applicant proposes to construct a 35-foot by 40-foot garage for accessory maintenance storage. This would displace some existing parking that serves the office plaza property at 323 University Avenue. A Site Plan will be required for the development of the new building and to reconfigure the remaining parking and drive circulation. No changes to existing access drives from University Avenue and Creighton

Avenue are proposed. The proposal is not expected to deprive any existing building of its minimum required parking spaces.

- 2. Des Moines 2020 Community Character Plan:** The subject property has two designations: Low Density Residential and Commercial Corridor. Both of these designations reflected the existing development pattern at the time. Mercy Hospital has continued to assemble property surrounding the hospital complex to gradually expand ancillary services and medical offices in support of the hospital. Staff believes based on this that it would be appropriate to extend the Public/Semi-Public future land use designation for the subject property and intervening contiguous property owned by the hospital. This would allow for the proposed rezoning yet restrict the future rezoning to districts in support of the hospital.

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:

Ted Irvine moved **APPROVAL** of staff recommendation to find the proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential; **APPROVAL** of an amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public; and **APPROVAL** of the request to rezone from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties.

Motion passed 8-0-1 (John "Jack" Hilmes abstained).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

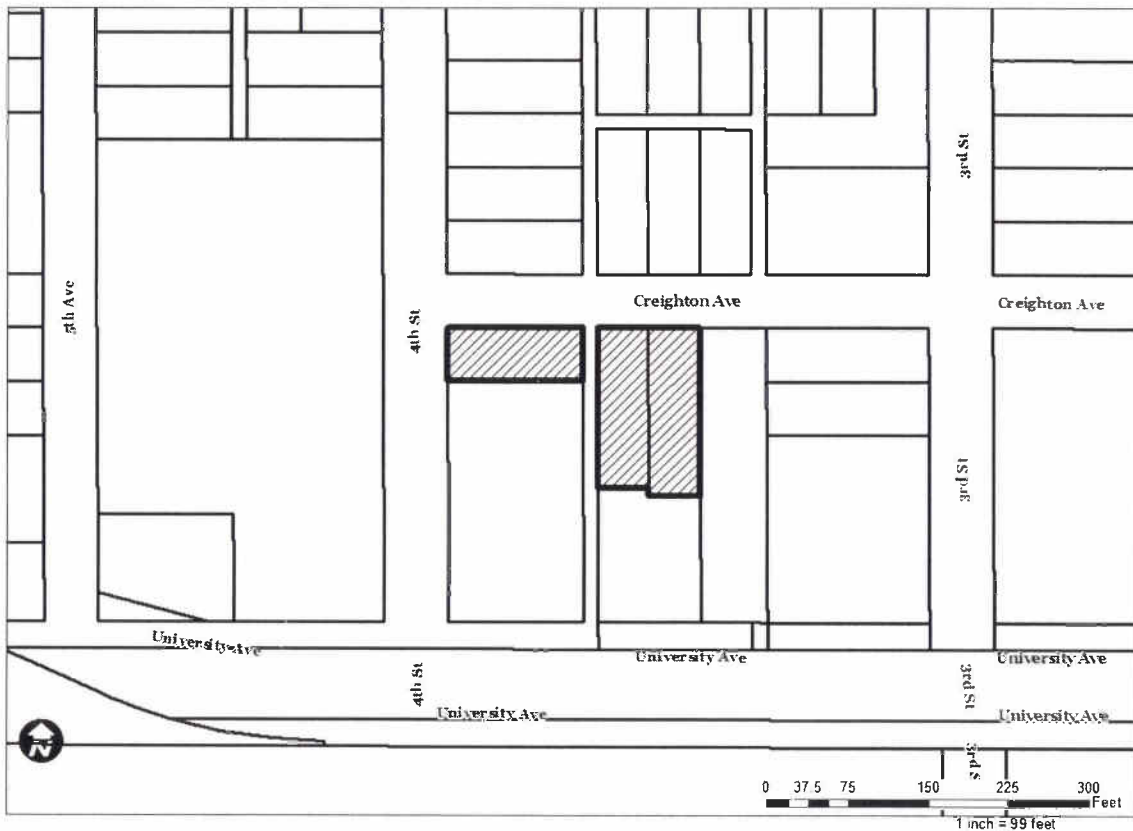
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Attachment

Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) for property in the vicinity of 320 Creighton Avenue.		File # ZON2013-00204		
Description of Action	Approval to rezone from "R1-60" One-Family Low-Density Residential District to "C-0" Commercial Residential District, to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties.			
2020 Community Character Plan	Low/ Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor. (current) Public/Semi-Public. (proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	"C-0" Commercial Residential District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1			
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Catholic Health Initiative, Vicinity of 320 Creighton Avenue

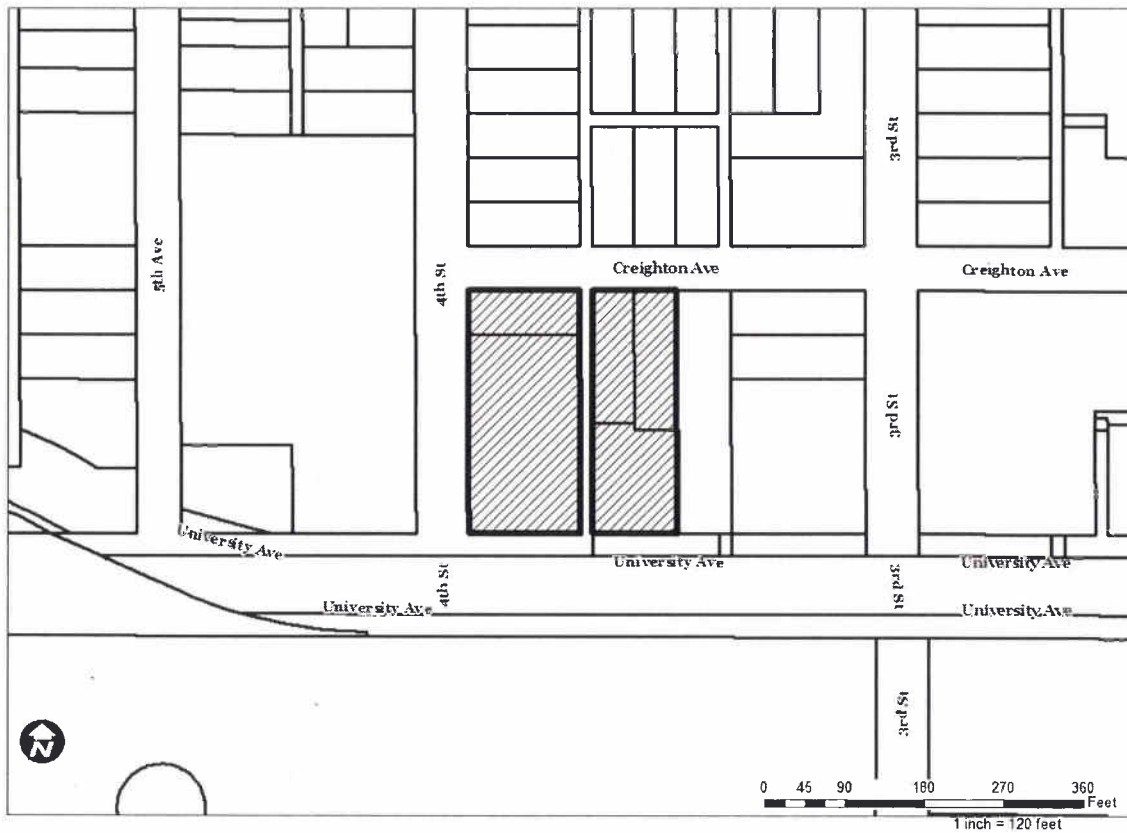
ZON2013-00204



Catholic Health Initiative – Iowa Corporation (owner) represented by Ronald Mueck (officer) for property in the vicinity of 320 Creighton Avenue.				File #	
				21-2013-4.28	
Description of Action	Approval of request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public.				
2020 Community Character Plan	Low/ Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor. (current) Public/Semi-Public. (proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District.				
Proposed Zoning District	"C-0" Commercial Residential District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1				
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Catholic Health Initiative, Vicinity of 320 Creighton Avenue

21-2013-4.28



Item ZON2013-00204 Date 1.3.14

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

RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Int Name JOHN JOHNSON
 JAN 13 2014 Signature John Johnson
 DEPARTMENT Address 1228 3rd Street

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

AS LONG AS THEY DO A LOT OF
SECURITY CHECKS 24 HRS A
DAY HOMELESS PROBLEM IS RAMPANT
HERE!! THEFTS, THREAT OF PHYSICAL
ATTACKS, DRUG + ALCOHOL USE!!!

Catholic Health Initiative, Vicinity of 320 Creighton Avenue

ZON2013-00204

