

Date March 10, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF FREEDOM FINANCIAL BANK TO REZONE PROPERTY IN THE VICINITY OF 2125 HIGH STREET FROM THE "R-2A" GENERAL RESIDENTIAL DISTRICT TO A LIMITED "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on February 24, 2014, by Roll Call No. 14-0279, it was duly resolved by the City Council that the application of Freedom Financial Bank, represented by Jeff Payne (officer), to rezone certain property it owns in the vicinity of 2125 High Street, more fully described below, be set down for hearing on March 10, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 27, 2014, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Lot 6, PARK PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R-2A" General Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

The Property and any adjoining land into which the Property is assembled for development shall be subject to the following requirement, which shall be a condition of site plan approval and enforceable as a site plan requirement:

A dense shrub screen or similar buffer treatment approved by the City Planning Administrator, shall be installed and maintained along the southern perimeter of the existing and modified drive-through, and along the southern perimeter of any future driveways or parking lots, to block vehicle headlights from illuminating the townhomes on the south side of High Street.

(continued)



Roll Call Number

Agenda Item Number

36B

March 10, 2014

Date

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\Freedom FinLtd Rezoning.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
GATTO				
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

36B



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 Freedom Financial Bank (owner) represented by Jeff Payne (officer) for the following actions related to rezoning property located at 2125 High Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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 the requested vacation of a dead-end segment of east/west alley directly adjoining the subject property, in the block bound by High Street, 22nd Street, Woodland Avenue, and M. L. King Jr. Parkway subject to the provision of easements for any existing utilities; **APPROVAL** of staff recommendation to find the proposed rezoning not in conformance with the Des Moines' 2020 Community Character Plan; **APPROVAL** of request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential and Park/Open Space to Commercial: Pedestrian-Oriented, Commercial Corridor; and **APPROVAL** of the request to rezone from

“R-2A” General Residential District to limited “C-1” Neighborhood Retail Commercial, to allow expansion of the existing, adjoining financial institution site by modifying the drive-up service area exit driveway onto the subject property and alleyway requested for vacation subject to the provision of a dense shrub screen along the southern perimeter of the drive-thru or other similar buffer treatment as approved by the Planning Administrator.

(11-2013-1.19, 21-2013-4.25 & ZON2013-00199)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the proposed vacation of alley right-of-way subject to the provision of easements for any existing utilities.

Part B) Staff recommends the proposed rezoning be found not in conformance with the existing Des Moines’ 2020 Community Character Plan.

Part C) Staff recommends approval of the proposed amendment to the Des Moines’ 2020 Community Character Plan to revise the future land use designation from Low-Density Residential and Park/Open Space to Commercial: Pedestrian-Oriented, Commercial Corridor.

Part D) Staff recommends approval of the proposed rezoning subject to the provision of a dense shrub screen along the southern perimeter of the drive-thru or other similar buffer treatment as approved by the Planning Administrator.

Written Responses

- 1 In Favor
- 1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant has purchased the subject property and wishes to assemble it and the adjoining segment of alley with their site to the east. The additional land area will allow a wider drive to be constructed for access to their drive-thru teller lanes. The current drive is narrow and includes a sharp curve. This configuration in conjunction with the sloping grade in the area causes difficulty for drivers during inclement weather. The alley currently dead-ends into the bank site with vehicles having the ability pass through the parking lot to access Woodland Avenue. The applicant is proposing to maintain this arrangement.
- 2. Size of Site:** Rezoning – 6,600 square feet. Alley vacation – 800 square feet.
- 3. Existing Zoning (site):** “R-2A” General Residential District.

4. **Existing Land Use (site):** Vacant lot and alley.

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

North – “R-2A”; Use is Chamberlain Park.

South – “C-2”; Use is a rowhouse development.

East – “C-1”; Use is the Freedom Financial Bank.

West – “R-2A”; Use is a single-family dwelling.

6. **General Neighborhood/Area Land Uses:** The immediate area is characterized by residential properties with commercial uses along the Martin Luther King Jr. Parkway and Ingersoll Avenue corridors.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Woodland Heights Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 30, 2013 and a Final Agenda on January 10, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on December 27, 2013 (20 days prior to the public hearing) and on January 6, 2014 (10 days prior to the public hearing) to the Woodland Heights 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 Woodland Heights Neighborhood Association notices were mailed to Dan Robbins, 733 26th Street, Des Moines, IA 50312.

8. **Zoning History:** On August 20, 2007, the City Council approved Ordinance Number 14,695 rezoning the western portion of the existing bank site from “R-2A” District to “C-1” District. A 50-foot segment of the alley was also vacated and incorporated into the bank site. This vacation and rezoning allowed the bank to add the drive-thru teller area and renovate the building. The building had previously been occupied by an art store.

9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential and Park/Open Space. The land use designations run along the centerline of the alley. Therefore, the north half of the alley is designated “Park/Open Space” along with the balance of Chamberlain Park to the north. Land use designations and zoning boundaries are commonly set at the center line of right-of-way.

10. Applicable Regulations: The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

The Commission also 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. Site Plan Review: The applicant must demonstrate compliance with the City's storm water management, tree mitigation, landscaping and buffering requirements during the site plan review process. The City's Landscaping Standards for "C-1" Districts generally require the following:

- 20% open space with a minimum of 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.
- 10-foot wide bufferyards along property lines that adjoin a "R" District or residential use with a 6-foot tall, 75% opaque fence or wall, and 2 overstory trees and 6 evergreen trees per 100 lineal feet of property line.
- 1 overstory tree and 3 shrubs must be provided along the perimeter of parking lots for every 50 lineal feet of frontage.

2. Utilities: Easements must be provided for any utilities that may exist within the subject alley right-of-way. No utilities have been identified at this time.

3. Street System: The subject alley dead ends into the existing commercial site. Access to the alley is provided through the existing drives on the subject site. The applicant is proposing to vacate an additional 50 feet of alley. The submitted site sketch indicates that traffic would still be able to access the eastern end of the alley through the applicant's property.

4. Access or Parking: The submitted site sketch indicates the parking lot and drive-thru teller lanes would continue to be accessed from the existing driveway to Woodland Avenue.

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 the staff recommendation to approve the proposed vacation of alley right-of-way subject to the provision of easements for any existing utilities; to find the proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan; **APPROVAL** of the proposed amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential and Park/Open Space to Commercial: Pedestrian-Oriented, Commercial Corridor; and **APPROVAL** of the proposed rezoning subject to a Limited "C-1" Neighborhood Retail Commercial District to the provision of a dense shrub screen along the southern perimeter of the drive-thru or other similar buffer treatment as approved by the Planning Administrator.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

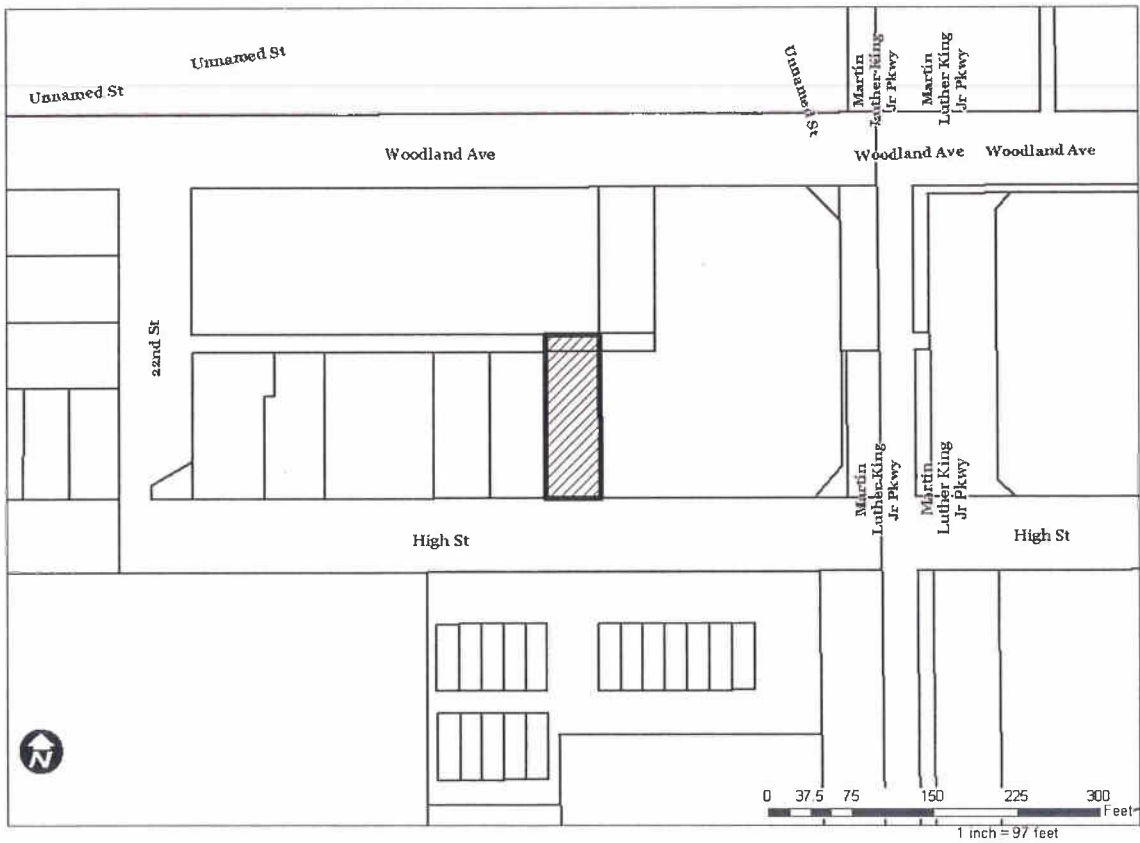
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Attachment

Freedom Financial Bank (owner) represented by Jeff Payne (officer) located at 2125 High Street.		File # 21-2013-4.25		
Description of Action	Approval of request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential and Park/Open Space to Commercial: Pedestrian-Oriented, Commercial Corridor.			
2020 Community Character Plan	Park/Open Space and Low Density Residential. (current) Commercial: Pedestrian-Oriented, Commercial Corridor (proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R-2A" General Residential District.			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District..			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Freedom Financial Bank, Vicinity of 2125 High Street

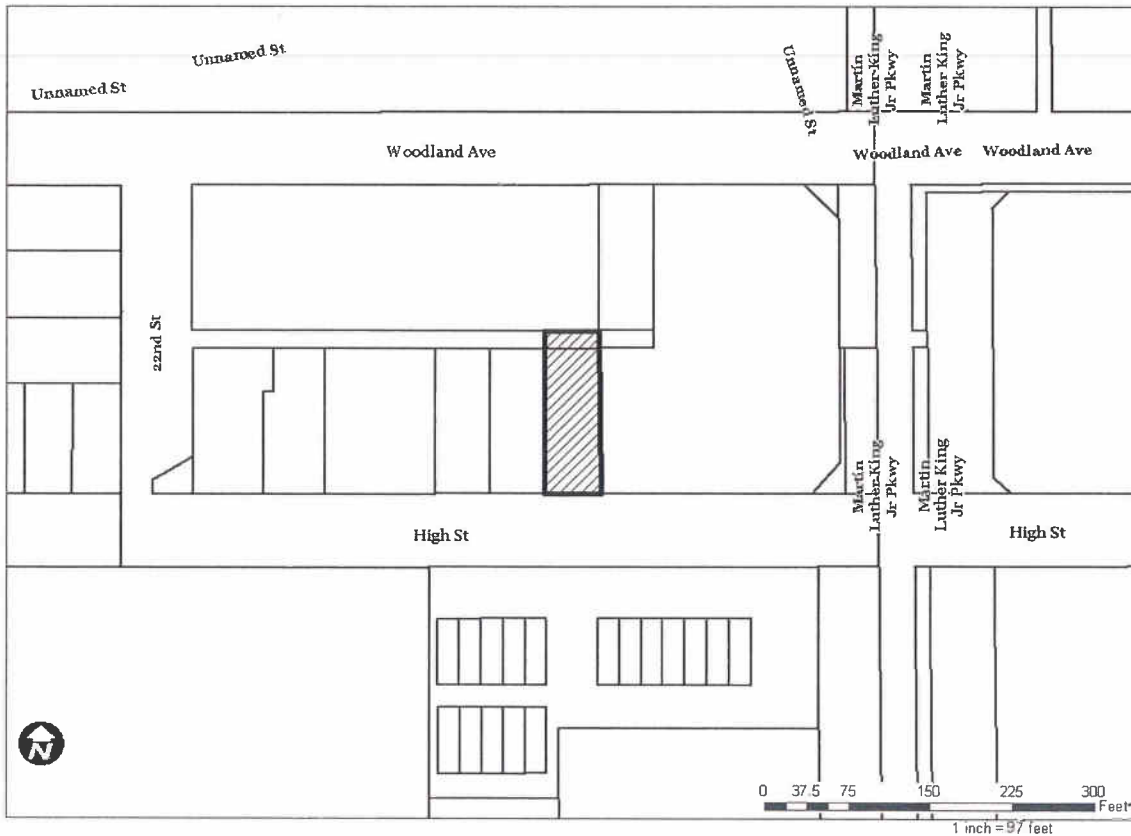
21-2013-4.25



Freedom Financial Bank (owner) represented by Jeff Payne (officer) located at 2125 High Street.			File #	
			ZON2013-00199	
Description of Action	Approval of request to rezone from "R-2A" General Residential District to limited "C-1" Neighborhood Retail Commercial, to allow expansion of the existing, adjoining financial institution site by modifying the drive-up service area exit driveway onto the subject property and alleyway requested for vacation subject to conditions.			
2020 Community Character Plan	Park/Open Space and Low Density Residential. (current) Commercial: Pedestrian-Oriented, Commercial Corridor (proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R-2A" General Residential District.			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District..			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	1		
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Freedom Financial Bank, Vicinity of 2125 High Street

ZON2013-00199



ZON2013-00199

36B

Item _____ Date 1/20/14

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

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

(Circle One)

Print Name John Lundquist

Signature [Signature]

Address 2104 High St.

JAN 24 2014

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

ZON2013-00199

Item _____ Date 1/9/14

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

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

(Circle One)

Print Name MICHAEL HANBACK

Signature [Signature]

Address 2122 HIGH ST.

JAN 13 2014

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

WONT BOTHER ME

ZON2013-00199

Item _____

Date 1/8/14

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

COMMUNITY DEVELOPMENT
(Circle One)

JAN 13 2014

Print Name Jared Bernstein

Signature [Signature]

DEPARTMENT

Address 2102 High St. 50312

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

Freedom Financial has been a good neighbor but based on the limited information provided regarding the new driveway, I am unsure about the impact car headlights will have on our north facing windows after sunset. The light pollution may present a serious quality of life issue.

ZON2013-00199

Item _____

Date 1/10/2014

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JAN 13 2014

Print Name STEPHEN H. WILLIAMS

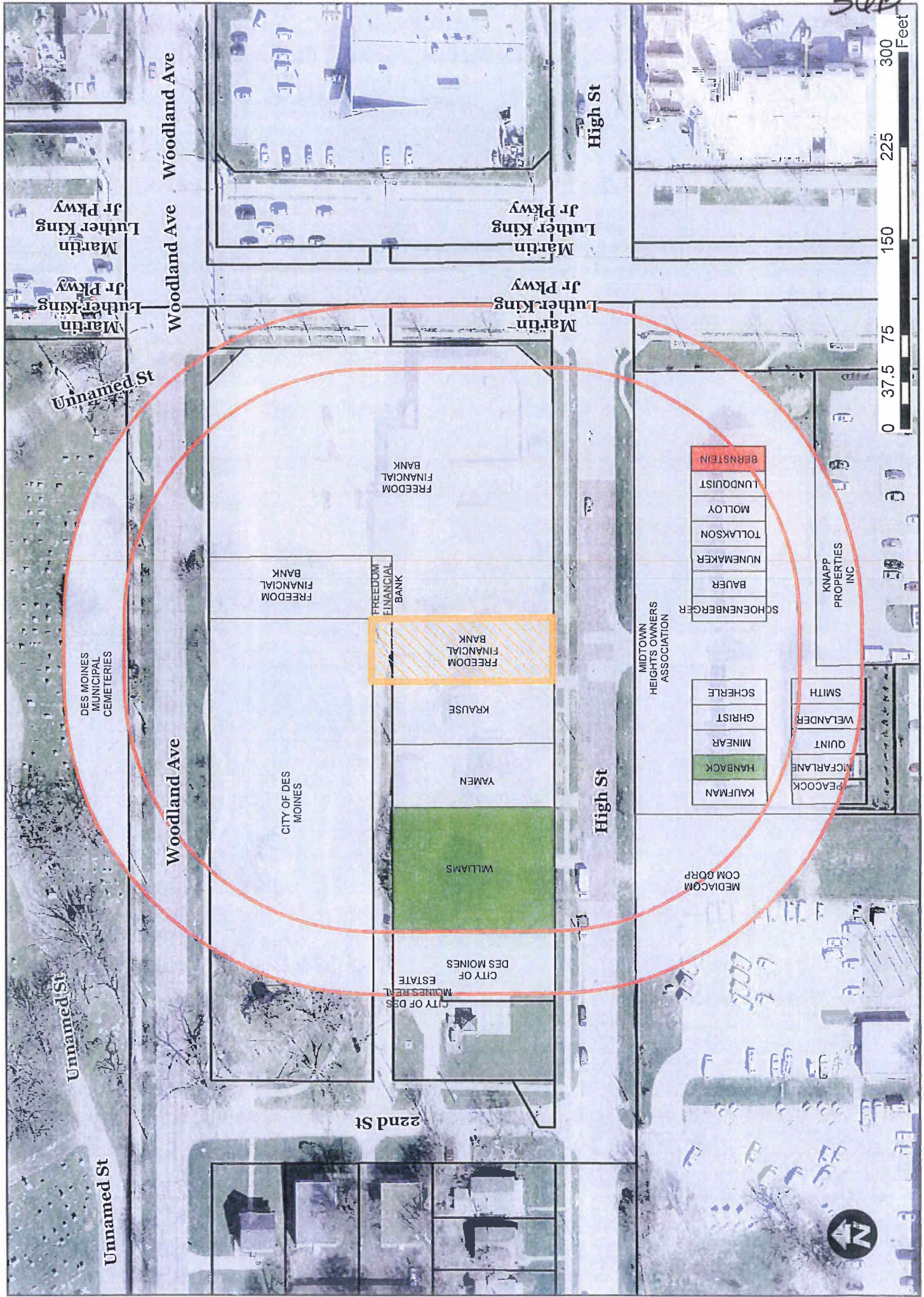
Signature Stephen H. Williams

Address 2139 HIGH ST

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

Freedom Financial Bank, Vicinity of 2125 High Street

ZON2013-00199



36B



of a request to vacate

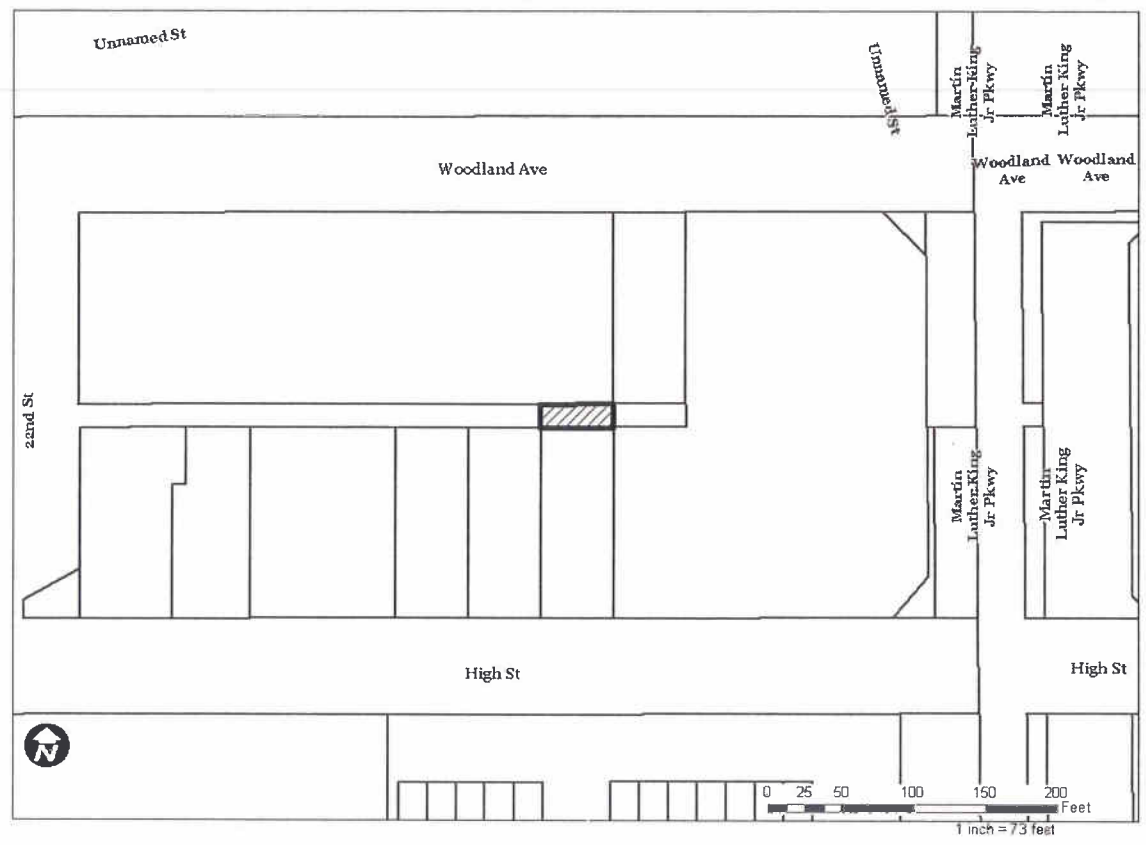
36B

5A

Freedom Financial Bank (owner) represented by Jeff Payne (officer) located at 2125 High Street.		File # 11-2014-1.19		
Description of Action	Approval of vacation of a dead-end segment of east/west alley directly adjoining the subject property, in the block bound by High Street, 22nd Street, Woodland Avenue, and M. L. King Jr. Parkway subject to the provision of the easements for any existing utilities.			
2020 Community Character Plan	Park/Open Space and Low Density Residential. (current) Commercial: Pedestrian-Oriented, Commercial Corridor (proposed).			
Horizon 2035 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R-2A" General Residential District.			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District..			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	1		
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Freedom Financial Bank, Vicinity of 2125 High Street

11-2013-1.19



Item 11-2013-1.19

Date 17 January 2014

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

RECEIVED

(Circle One)

COMMUNITY DEVELOPMENT

Print Name Robert & Vicki Krause

JAN 16 2014

Signature [Signature]

DEPARTMENT

Address 2127 High St DSM

I am surprised by the closing of the alley, which I and others use. The only way I will agree to this is 1) Quit-claim deed by the bank to me for title of my drive which is shared between the properties as a joint easement. In this, I would like enough of the adjoining lot & alley way abandonment that I can put in a 12' wide drive to replace the current 8' drive, plus zoning required separation for a hedge 2) Plus zone change to commercial.

Item 11-2013-1.19

Date 1/10/14

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name STEPHEN H. WILLIAMS

JAN 13 2014

Signature [Signature]

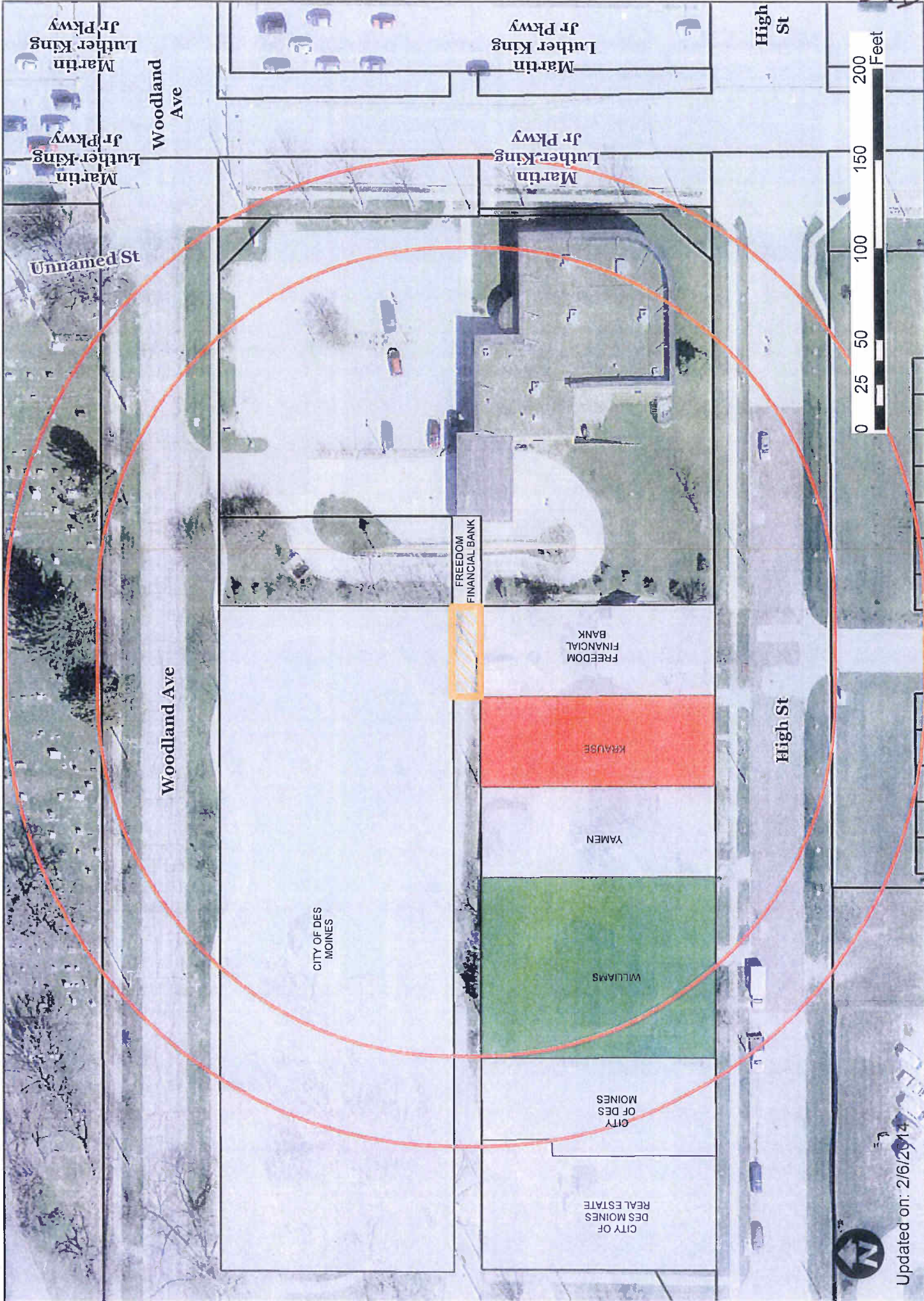
DEPARTMENT

Address 2139 H 16th ST

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

Freedom Financial Bank, Vicinity of 2125 High Street

11-2013-1.19



Updated on: 2/16/2014

36B