

Date June 8, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM DESMOINESARTS, INC. TO REZONE PROPERTY LOCATED AT 900 AND 1000 KEOSAUQUA WAY FROM "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO LIMITED "C-3" CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT

WHEREAS, on May 18, 2015, by Roll Call No. 15-0812, City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 7, 2015, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from DesMoinesArts, Inc. (owner), represented by Justin Mandelbaum (officer), to rezone property locally known as 900 and 1000 Keosauqua Way ("Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "C-3" Central Business District Commercial District, to allow conversion of the existing five-story office building to artist studio space and assembly/exhibit space, subject to the following conditions:

1. Any renovation to the building shall be in compliance with the applicable building and fire code with issuance of any necessary permits by the Permit and Development Center.
2. Any future site modifications or redevelopment shall be based on review and approval of a site plan by the Community Development Director; and

WHEREAS, on May 18, 2015, by Roll Call No. 15-0812, it was duly resolved by the City Council that the application of DesMoinesArts, Inc. (owner) to rezone the Property, as legally described below, be set down for hearing on June 8, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, 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 Property locally known as 900 and 1000 Keosauqua Way, legally described as:

Lots 4, 5, 6, 7 and 8, OAKRIDGE PLAT II, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from "C-2" General Retail and Highway-Oriented Commercial District to Limited "C-3" Central Business District Commercial District to allow conversion of the existing five-story office building to artist studio space and assembly/exhibit space, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.



Roll Call Number

Agenda Item Number

60

Date June 8, 2015

-2-

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "C-3" Central Business District Commercial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-3" Central Business District Commercial District with conditions as set forth above is found in conformance with the existing Des Moines' 2020 Community Character Plan designation of High Amenity Office/Institutional, and the proposed rezoning is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2015-00044)

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

MOTION CARRIED

APPROVED

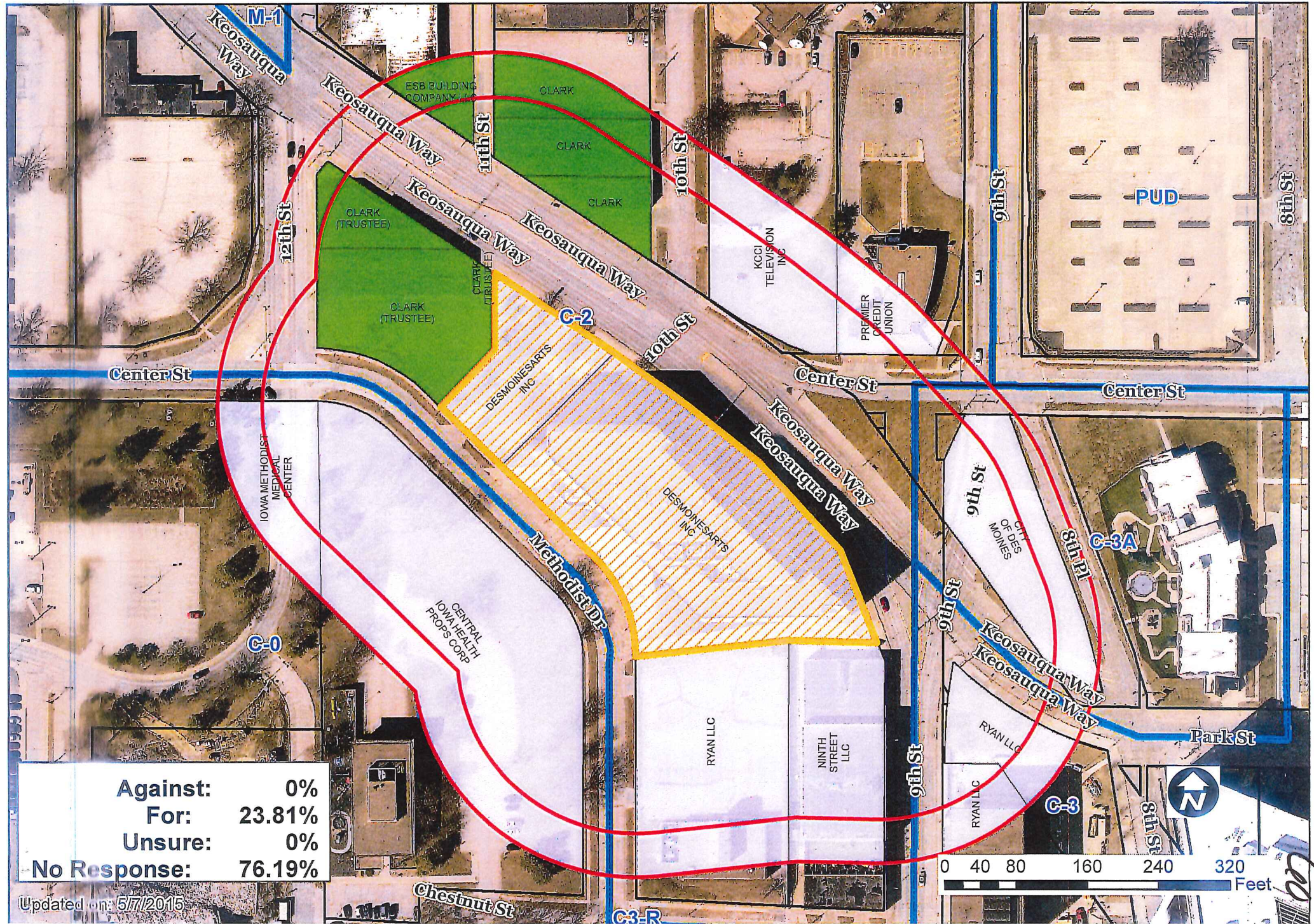
Mayor

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



Against:	0%
For:	23.81%
Unsure:	0%
No Response:	76.19%

Updated on: 5/7/2015

Date _____

Agenda Item LEO

Public Call # _____



May 14, 2015

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 7, 2015, the following action was taken regarding a request from DesMoinesArts, Inc. (owner) represented by Justin Mandelbaum (officer) to rezone property located at 900 and 1000 Keosauqua Way from "C-2" General Retail and Highway-Oriented Commercial District to "C-3" Central Business District Commercial District.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Jonathan Rosenbloom				X
Mike Simonson			X	
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier				X

APPROVAL of staff recommendation that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designations of High Amenity Office/Institutional and **APPROVAL** of the requested rezoning subject to the following conditions: (ZON2015-00044)

1. Any renovation to the building be in compliance with the applicable building and fire code with issuance of any necessary permits by the Permit and Development Center.

2. Any future site modifications or redevelopment are based on review and approval of a site plan by the Community Development Director.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designations of High Amenity Office/Institutional.

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

1. Any renovation to the building be in compliance with the applicable building and fire code with issuance of any necessary permits by the Permit and Development Center.
2. Any future site modifications or redevelopment are based on review and approval of a site plan by the Community Development Director.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to convert the existing vacant office building to a space for artist studios and assembly/exhibit space. The building was constructed in 1973 as part of the Northwestern Bell Telephone Company and was previously occupied by Quest Communications.

The applicant has indicated an intensification in use from office space to assembly space that would trigger increased parking requirements in the existing Zoning District. Also, the C-2 zoning regulations currently allow office buildings no greater than 30,000 square feet in area and no taller than three (3) stories to operate by right in the district. The proposed rezoning from C-2 to C-3 would allow the building to continue to be used for commercial uses and bring the parking, building size and the location in compliance with zoning requirements. The change in intensity of the use would be in conformance with the standards of the C-3 zoning district which allows high-intensity and large bulk development.

The applicant is not proposing to make any site modifications at this time. If the property is rezoned to "C-3" District, any future site modifications or redevelopment would require a site plan.

2. **Size of Site:** 76,310 square feet (1.752 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District and "FSO" Free Standing Sign Overlay District.

4. **Existing Land Use (site):** The site contains a vacant 154,904 square-foot, 5-story commercial building that was previously occupied by Quest Communications.

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

North – “C-2”; Uses are office buildings for Premier Credit Union, KCCI TV & Radio and retail/warehouse (Electronic Engineering).

South – “C-2”; Uses are Principal’s Generator Plant and a Preschool and Child Care Facility.

East – “C-3A” and “C-3”; Uses are Keosauqua right-of-way and traffic island and the Principal Childcare Center.

West – “C-0”; Use is office building for Iowa Annual Conference United Methodist Church and the Iowa Methodist Medical Center.

6. **General Neighborhood/Area Land Uses:** The proposed development is located along west side of Keosauqua Way, a major commercial corridor at the northwest corner of the central business district. The area contains a mix of low and medium density office uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 27, 2015. A Final Agenda was mailed to the neighborhood association on April 10, 2015. Additionally, separate notifications of the hearing for the site plan were mailed on April 6, 2015 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each condominium owner within the property and every owner of property or condominium 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 Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Ste. 902, Des Moines, IA 50309.

The applicant conducted a neighborhood meeting April 28, 2015 and will be able to provide a summary of the events at the public hearing.

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

9. **2020 Community Character Land Use Plan Designation:** High Amenity Office/Institutional. This designation is described as area where uses are intended to strengthen and compliment the faculties in the retail and office core and to provide buildings for office, institutional, cultural, and recreational and hotels. The proposed rezoning from “C-2” to “C-3” Zoning District to allow for artist studios and assembly/exhibit space conforms to Des Moines’ 2020 Community Character Plan.

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

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, and taking into consideration the criteria set forth in Chapter 18B 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. **Parking & Access:** The “C-3” district does not require any off-street parking. The building currently occupies most of the property with an open first floor parking deck and leases some parking on the west side of the building. If the property is rezoned to “C-3” District, any future site modifications or redevelopment would require a site plan.
- 2. **Permit & Development Center Comments:** Any renovation of the building must be in compliance with applicable Building and Fire Codes, with issuance of any necessary permits by the Permit and Development Center.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.


COMMISSION ACTION:

CJ Stephens moved staff recommendation for Part A) that the proposed rezoning be found in conformance with the existing Des Moines’ 2020 Community Character Plan designations of High Amenity Office/Institutional and Part B) approval of the requested rezoning subject to the following conditions:

- 1. Any renovation to the building be in compliance with the applicable building and fire code with issuance of any necessary permits by the Permit and Development Center.
- 2. Any future site modifications or redevelopment are based on review and approval of a site plan by the Community Development Director.

Motion passed 11-0-1 (Mike Simonson abstained).

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

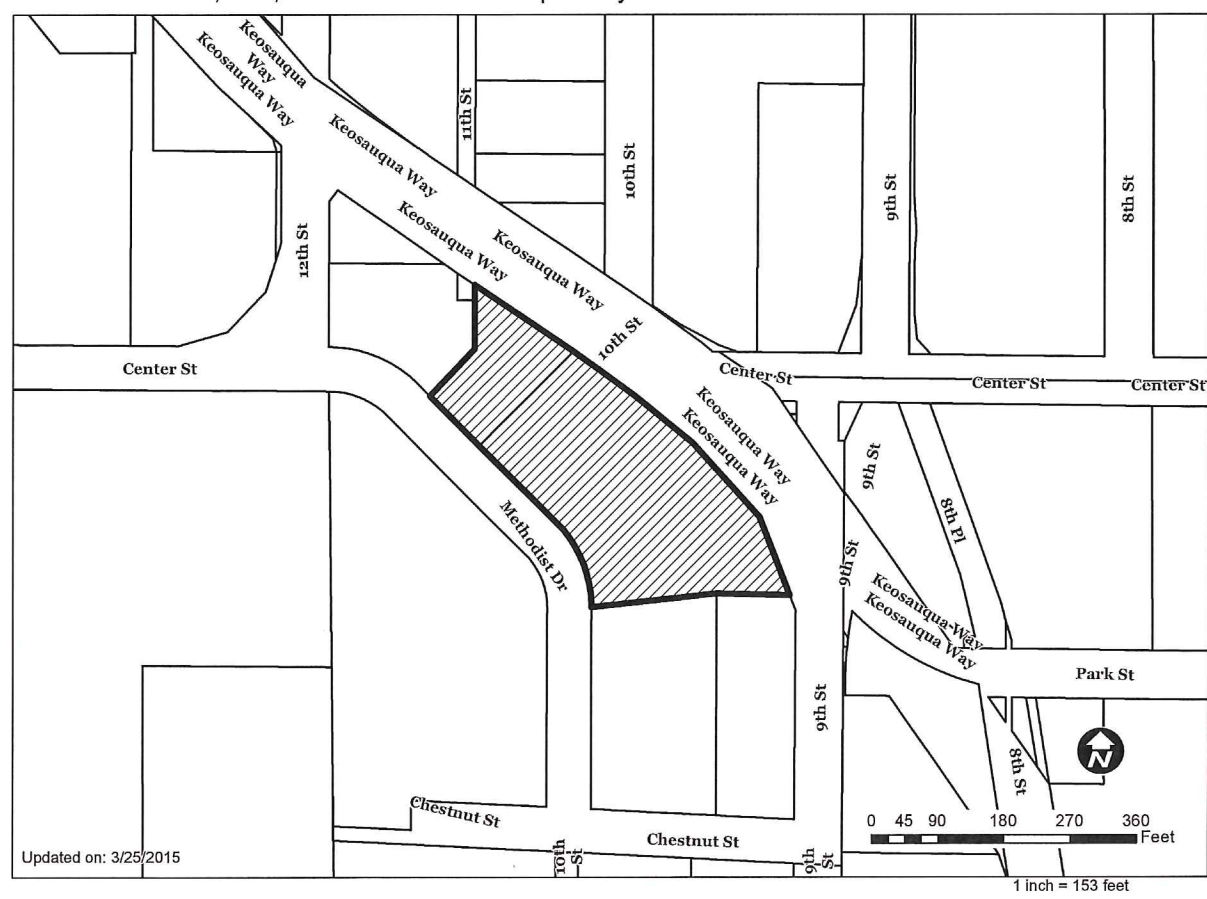
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Attachment

DesMoinesArts, Inc. (owner) represented by Justin Mandelbaum (officer) on property located at 900 and 1000 Keosauqua Way		File # ZON2015-00044			
Description of Action	Approval of request to rezone property from "C-2" General Retail and Highway-Oriented Commercial District to "C-3" Central Business District Commercial District, to allow conversion of the existing five-story office building to artist studio space and assembly/exhibit space subject to conditions.				
2020 Community Character Plan	Current: High Amenity Office/Institutional Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District, D-O" Downtown Overlay District, and "GGP" Gambling Games Prohibition District.				
Proposed Zoning District	"C-3" Central Business District Commercial District, D-O" Downtown Overlay District, and "GGP" Gambling Games Prohibition District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3				
Outside Area					
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

DesMoinesArts, LLC, 900 and 1000 Keosauqua Way

ZON2015-00044



Item ZON2015-00044 Date 4/10/2015
 I am (am not) in favor of the request.
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Dorothy NEIGHBORHOOD ASSOC
Signature [Signature] PRESIDENT
Address 418 W AVE STE 902 50309

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

Item ZON2015-00044 Date April 7, 2015
 I am (am not) in favor of the request.
RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name Barret Hulse, Executive V.P.
Signature [Signature]
Address 7300 Lake Dr. WDM, IA 50266

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

600

Item ZON2015-00044 Date 4/13/15

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

RECEIVED
COMMUNITY DEVELOPMENT
Print Name [Signature]
Signature [Signature]
Address 100 Ave

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

Supportive