

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	August 12, 2013
	Agenda Item No.	38
	Roll Call No.	<u>13-1293</u>
	Communication No.	<u>13-419</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of the July 24, 2013 decision of the Zoning Board of Adjustment to grant a Use Variance to allow use of 2425 Euclid Avenue (owned by Kent Lehs) for industrial uses, including warehousing; contractor storage yard; car, truck, trailer, and boat storage; in addition to the uses as permitted in the “C-2” General Retail and Highway-Oriented Commercial District.

SYNOPSIS:

On July 24, 2013, the Zoning Board of Adjustment voted 5-0 to conditionally approve a use variance to allow use of a property in a "C-2" (General Retail and Highway-Oriented Commercial) for industrial uses, including warehousing; contractor storage yard; car, truck, trailer, and boat storage; in addition to the uses as permitted in the “C-2” General Retail and Highway-Oriented Commercial District, subject to conditions. Pursuant to Section 135-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council’s action (August 12, 2013). Staff recommends that the City Council not remand the Board’s decision.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The subject property is comprised of the parcel known as 2425 Euclid Avenue. The site is zoned "C-2 (General Retail and Highway-Oriented Commercial) and is owned by Kent Lehs, 4026 Beaver Avenue, Des Moines, IA 50310. The 2.04 acre parcel is occupied with approximately 25,000 square feet of buildings formerly used for a lumberyard. The property is just north of the intersection of the ML King Jr. Parkway and Euclid Avenue/Douglas Avenue major commercial corridors. The property is adjoined on the north by Des Moines River flood plain and on the east by the Trestle to Trestle recreational trail.

On January 25, 2013, by Roll Call No. 13-0152, the City Council denied a request to rezone the property from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) that would have allowed the property to be used as a commercial business for general motor vehicle repair

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uses, including warehousing; contractor storage yard; car, truck, trailer, and boat storage; in addition to the uses as permitted in the “C-2” General Retail and Highway-Oriented Commercial District, subject to the following conditions:

1. Use of the property shall be limited to those uses permitted in the “C-2” District, except off-premises advertising signs, and “M-1” District permitted uses of warehousing; contractor storage yard as limited in City Code Section 134-1087; and outdoor car, truck, trailer, and boat storage.
2. Use of the property shall be in accordance with a Site Plan amendment as reviewed and approved by the Permit and Development Center that conforms to current standards, including the marking of off-street parking and landscaping to the extent possible given the existing layout and the parcel’s irregular shape.
3. All buildings shall demonstrate compliance with occupancy requirements for any conversion or building modifications. All site improvements must be in accordance with applicable Building Codes and with issuance of all necessary permits by the Permit and Development Center.
4. Any use of the barbed wire on the site shall be limited to the locations on the site where barbed wire exists at the present time, primarily on the main gate and the screen around the northern portion of the site.
5. All outdoor portions of the site used for access, maneuvering, parking, and storage shall be surfaced with a durable and dustless surface by July 30, 2018. The existing gravel shall be eliminated in phases as identified on the required Site Plan. Asphalt milling material shall be considered durable and dustless.

The Decision and Order of the Zoning Board of Adjustment’s action was executed under the signature of Chairman Bill Gray on July 30, 2013.

PREVIOUS COUNCIL ACTION(S):

Date: January 28, 2013

Roll Call Number: [13-0152](#)

Action: [On](#) request from Kent Lehs (owner) to rezone 2425 Euclid Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow reuse for warehousing and contractor storage: (Plan and Zoning Commission recommends DENIAL)

- (A) Motion to DENY rezoning. Moved by Griess to deny the proposed rezoning. The City Council encourages the applicant to apply for a variance. The City Manager and Legal Department will review the Board of Adjustment application fee for those who have already gone through the Plan and Zoning process. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: July 24, 2013

Resolution Number: ZON2013-00067

Action: Conditionally approved a use variance to allow use of a property in a "C-2" (General Retail and Highway-Oriented Commercial) for industrial uses, including warehousing; contractor storage yard; car, truck, trailer, and boat storage; in addition to the uses as permitted in the "C-2" General Retail and Highway-Oriented Commercial District, by a 5-0 vote.

Board: Plan and Zoning Commission

Date: January 3, 2013

Resolution Number: ZON2012-00212

Action: Recommended denial of request for rezoning to "M-1" (Light Industrial) by a 13-0 vote.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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