

Date.....January 8, 2007.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2006, its members voted 8-0 to recommend **APPROVAL** of a request from Northern Warren Fire and Emergency Response Agency (owner) represented by Raymond Phillips (President) to rezone property located at 6304 SW 7th Street from "R1-60" One-Family Low Density Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, subject to the applicant agreeing to the following conditions:

1. Any commercial use of the property is subject to approval of a site plan under the City's site plan policy and must eliminate and prohibit access driveways from Lally Street.
2. The following uses of structures and land shall be prohibited:
 - a. Adult entertainment business.
 - b. Garages for general motor vehicle repair.
 - c. Vehicle display.
 - d. Off-premises advertising signs.
 - e. Package goods stores for sale of liquor.
 - f. Taverns/nightclubs.
 - g. Pawn shops.
 - h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
3. Construction of any commercial building shall be designed with 75% of all non-glazed exterior wall surfaces consisting of materials that are brick, split face concrete masonry units, stone, or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
4. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
5. The existing communications tower must remain in compliance with the following conditions established in the Zoning Board of Adjustment Decision and Order dated June 26, 2002, for so long as the tower remains:
 - a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
 - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' evergreens.

(continued)

★ Roll Call Number

Agenda Item Number

.....
 January 8, 2006
 Date

_____ *23* _____

The subject property is further described as:

Lots 2 through 17 inclusive in Block Five in Porter's Replat, 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 January 22, 2007, 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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown
 Assistant City Attorney

(ZON2006-00179)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

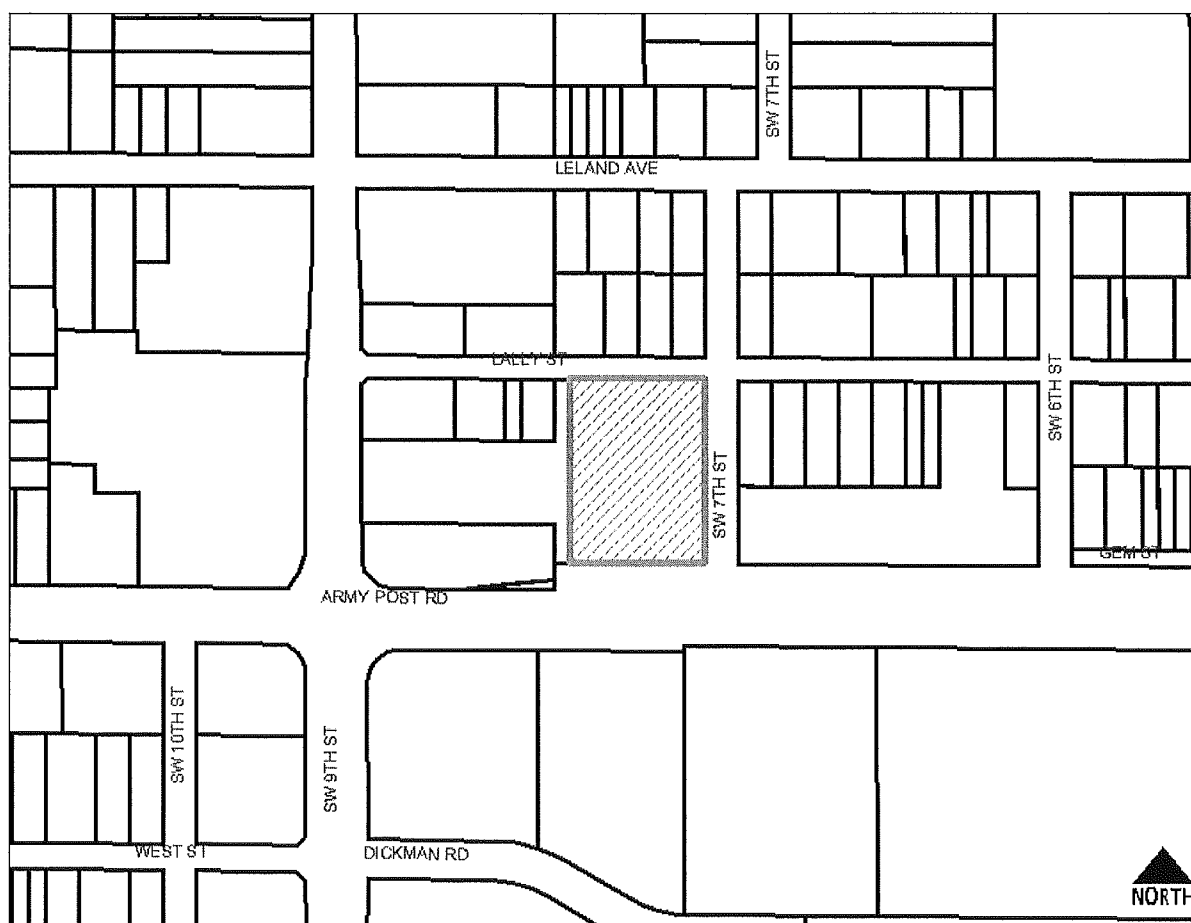
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

Request from Northern Warren Fire and Emergency Response Agency (owner) represented by Raymond Phillips (President) to rezone property located at 6304 SW 7 th Street.				File # ZON2006-00179	
Description of Action	Rezone subject property from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District.				
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District.				
Proposed Zoning District	Limited "C-2" General Retail and Highway-Oriented Commercial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	5	0	0	<20%	
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Northern Warren Fire & Emergency Response - 6304 SW 7th Street ZON2006-00179



January 8, 2007

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 December 21, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen				X
Greg Jones				X
Frances Koontz				X
Kaye Lozier				X
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern				X
Tim Urban				X
Marc Wallace	X			

APPROVAL of a request from Northern Warren Fire and Emergency Response Agency (owner) represented by Raymond Phillips (President) to rezone property located at 6304 SW 7th Street from "R1-60" One-Family Low Density Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, subject to the applicant agreeing to the following conditions: (ZON2006-00179)

1. Any commercial use of the property is subject to approval of a site plan under the City's site plan policy and must eliminate and prohibit access driveways from Lally Street.
2. The following uses of structures and land shall be prohibited:
 - a. Adult entertainment business.
 - b. Garages for general motor vehicle repair.
 - c. Vehicle display.
 - d. Off-premises advertising signs.
 - e. Package goods stores for sale of liquor.
 - f. Taverns/nightclubs.
 - g. Pawn shops.
 - h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.



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

- 3. Construction of any commercial building shall be designed with 75% of all non-glazed exterior wall surfaces consisting of materials that are brick, split face concrete masonry units, stone, or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
- 4. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
- 5. The existing communications tower must remain in compliance with the following conditions established in the Zoning Board of Adjustment Decision and Order dated June 26, 2002, for so long as the tower remains:
 - a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
 - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' evergreens.

Written Responses

5 In Favor

0 In Opposition

This item would not require a 6/7 vote at City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the proposed rezoning be found in conformance with the Des Moines' 2020 Community Character Plan future land use map designation of Commercial: Auto-Oriented Small-Scale Strip Development.

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

- 1. Any commercial use of the property is subject to approval of a site plan under the City's site plan policy and must eliminate and prohibit of access driveways from Lally Street.
- 2. Prohibit use of the property for the following uses:
 - a. Adult entertainment business.
 - b. Garages for general motor vehicle repair.
 - c. Vehicle display.
 - d. Off-premises advertising signs.
 - e. Package goods stores for sale of liquor.
 - f. Taverns/nightclubs.
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 - h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
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- 4. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.

- 23
5. The existing communications tower must continue compliance with the following conditions as required in the Zoning Board of Adjustment Decision and Order dated June 26, 2002 so long as the tower remains:
 - a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
 - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' evergreens.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow future commercial development on all or a portion of the site. The applicant has indicated that the existing fire station for the Northern Warren Fire and Emergency Response Agency will eventually relocate from the property to a site in Warren County. Any future division of the property would be subject to review and approval of a Plat of Survey by the Permit and Development Center.

The applicant will be seeking future vacation and conveyance of a 40'-wide strip of adjoining excess Army Post Road right-of-way that originally contained a trolley line.

2. **Size of Site:** 200' x 275' or 55,000 square feet (1.26 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site contains a fire station, a large undeveloped area, and a 110'-tall communications tower with a 12' x 20' mechanical building.

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

North - "R1-60", Uses include Lally Street and single-family residential.

South - "C-2", Uses include Army Post Road and a McDonald's restaurant.

East - "R1-60", Uses include SW 7th Street, Fort Des Moines Trailer Park, and a single-family dwelling.

West - "C-2", Uses include a single-family dwelling, an unoccupied restaurant, and vacant commercial land.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the Army Post Road major commercial corridor as it transitions north to a single-family residential neighborhood.
7. **Applicable Recognized Neighborhood:** Greater Southside Neighborhood.
8. **Relevant History:** On June 26, 2002, the Zoning Board of Adjustment granted US Cellular a Conditional Use Permit for a 110'-tall communications tower on the site. The Decision and Order states the following:

Wherefore, it is ordered the application by US Cellular for a Conditional Use for a Communications Tower and Antennas and for an Exception of 8.74 acres less than the minimum required 10 acres of lot area for a communication tower that exceeds the maximum allowed district height of 35', all to allow a 110' tall communications tower with antenna and two future collocations on a 1.26 acre parcel within a 16'x35' leased area fenced with an opaque 8'

cedar fence also containing a 12'x20' brick equipment shelter is granted with the following conditions:

- 1. Brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
- 2. Providing a landscape perimeter around the lease area comprised of 6'-8' evergreens.

9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development.

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. 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. **Drainage/Grading:** Any redevelopment of the site would be subject to review and approval of a site plan that satisfies the City's Site Plan policies, including those regarding grading and stormwater management.

2. **Landscaping & Buffering:** Future redevelopment of the site would be subject to review and approval of a site plan that satisfies the City's Site Plan policies, including the landscape standards. These require landscaped bufferyards, parking lot perimeter and interior plantings, screening from the residential properties to the north and east, and a minimum 20% open space with plantings. In addition, the existing lease area for the communications tower must continue to be screened with evergreen trees in accordance with Board of Adjustment's Decision and Order dated June 26, 2002.

3. **Access or Parking:** The subject property has frontage along Army Post Road, SW 7th Street, and Lally Street. Staff believes that future access drives should be restricted from Lally Street in order to protect the residential character of that street. Therefore staff recommends that any commercial use of the property should be subject to approval of a site plan under the City's site plan policy and must eliminate and prohibit of access driveways from Lally Street.

4. **Traffic/Street System:** Adjoining Army Post Road can accommodate commercial redevelopment of the site.

5. **2020 Community Character Plan:** The proposed "C-2" General Retail and Highway-Oriented Commercial District is in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Commercial: Auto-Oriented Small-Scale Strip Development. Staff believes that a Limited "C-2" District zoning classification is appropriate for the site given its location along the Army Post Road major commercial corridor.

Staff recommends that adult business uses, garages for general motor vehicle repair, package goods stores for sale of liquor, vehicle display, off-premises advertising signs, and taverns/nightclubs be prohibited due to the presence of residential uses near the site.

6. **Urban Design:** The City has partnered with the South Side Revitalization Partnership group in an effort to improve the quality and aesthetics of commercial development along the Southeast 14th Street and East Army Post Road Corridors. This group has drafted design guidelines for commercial development, although these guidelines have not been formally adopted by the City. While the subject property is along Army Post Road a few blocks west of the official study area, staff believes it is appropriate to request that elements of these design guidelines be made a condition of any commercial rezoning along the Army Post Road corridor.

These guidelines suggest that commercial and office buildings be designed with 75% of all non-glazed exterior wall surfaces consisting of brick, split face concrete masonry units, stone, or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.

Staff recommends that freestanding signage be limited to ground mounted or monument signs with a masonry, brick or stone pedestal compatible with the primary building material.

The south side of the base of the existing communications tower must continue to be screened with a brick base in accordance with Board of Adjustment's Decision and Order dated June 26, 2002.

SUMMARY OF DISCUSSION

There was no discussion on this item.

David Cupp moved for approval of the requested rezoning subject to the applicant agreeing to the following conditions:

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Motion passed 8-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2006 00179

Date 12-26-06

23

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

RECEIVED
DEC 29 2006

Print Name MICHAEL G + SUSAN C VAN
Signature Susan C Vance
Address 805 LALLY DM 50315

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

Item 2006 00179

Date 12-26-06

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

RECEIVED
DEC 29 2006

Print Name SUSAN C VANCE
Signature Susan C Vance
Address 809 LALLY DM 50313

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

Item 2006 00179

Date DECEMBER 11, 2006

23

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

(Circle One)

RECEIVED

DEC 12 2006

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name DEBRA J. FISHER

Signature *Debra J. Fisher*

Address 700 LELAND

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

Item 2006 00179

Date 12-11-06

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

(Circle One)

RECEIVED

DEC 12 2006

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name Judith KAY DAVIS

Signature *Judith Kay Davis*

Address 615 LALLY

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

Since the fire station serves Warren County, they
should be in Warren County.
Commercial zone would be fine

Item 2006 00179

Date 12-13-06 23

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

RECEIVED

DEC 15 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Edwin HOFFMAN

Signature Edwin Hoffman

Address 712 LALLY

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

FOR limited use ONLY. NO CAR LOTS OR TAVERNS ETC

Item 2006 00179

Date 12-12-06

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

RECEIVED

DEC 15 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Lawrence G. Wansher

Signature Lawrence G. Wansher

Address 6301 SW 9th St. M.I.

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