

.....
Date April 10, 2006
.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 16, 2006, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from BKM Renovators, L.C. (owner) represented by Randal Meiners (officer) to rezone property located at 3725 East University Avenue from "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District to allow for development of the site for mini-warehousing, subject to the owner of the property agreeing to prohibition of the following uses:

- a. Adult entertainment business;
- b. Package goods store for the sale of alcoholic beverages;
- c. Tavern/night club;
- d. Off-premises advertising;
- e. Vehicle Display Lot;
- f. Pawn Shop; and
- g. Check cashing.

Subject property is more specifically described as follows:

Lot 5, Fairground Estates, 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 amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 24, 2006, 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.

(Continued)

★ **Roll Call Number**

Agenda Item Number

26

Date April 10, 2006

-2-

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney

(ZON2006-00017)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
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

April 10, 2006

Date _____

Agenda Item 26

Roll Call # _____

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 March 16, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-2 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			

CONDITIONAL APPROVAL of a request from BKM Renovators, L.C. (owner) represented by Randal Meiners (officer) to rezone property located at 3725 East University Avenue from "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District to allow for development of the site for mini-warehousing, subject to the owner of the property agreeing to prohibition of the following uses: (ZON2006-00017)

- a. Adult entertainment business;
- b. Package goods store for the sale of alcoholic beverages;
- c. Tavern/night club;
- d. Off-premises advertising;
- e. Vehicle Display Lot;
- f. Pawn Shop; and
- g. Check cashing.

By same motion and vote, members recommended **APPROVAL** of a request to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development for property located at 3725 East University Avenue, as more specifically shown in the accompanying map. (21-2006-4.03)



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

Written Responses

1 In Favor

1 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the requested rezoning does not conform with the current Des Moines' 2020 Community Character Plan's future land use designation of Low-Density Residential.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.

Part C) Staff recommends approval of the requested rezoning of the property at 3725 East University Avenue from "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, subject to the owner of the property agreeing to the following conditions:

1. Prohibition of the following uses:
 - a. Adult entertainment business;
 - b. Package goods store for the sale of alcoholic beverages;
 - c. Tavern/night club;
 - d. Off-premises advertising; and
 - e. Vehicle Display Lot.

2. Any site plan approved for the subject property shall include installation of the full extent of streetscape improvements set out in the adopted East University Avenue Beautification Design Guidelines.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** According to a submitted conceptual site sketch, the requested land use amendment and rezoning would allow for construction of two mini-warehousing structures on the rear portion of the site. The northern proposed structure would measure 100' x 300' and the southern proposed structure would measure 150' x 100'. These structures would be in addition to an existing single-family dwelling, three garage structures, and a commercial structure that are all proposed to remain. The requested rezoning would allow for the entire area owned by the applicant to be uniformly zoned.

2. **Size of Site:** 4.1 acres (approximately 225' x 789').

3. **Existing Zoning (site):** The portion of the site within 200' of East University Avenue is zoned "C-1" Neighborhood Retail Commercial District and the balance is zoned "R1-60" One-Family Low-Density Residential District.

4. **Existing Land Use (site):** The subject property is a very deep parcels that contains five existing structures all situated in the northern portion of the site near East University Avenue. The five existing structures include an unoccupied 6,000-square foot commercial structure formerly occupied by K.P. Appliances, a single-family residence with a valid rental certificate, and three garage structures each generally measuring 24' x 30'.

5. Adjacent Land Use and Zoning:

North – “C-1” and “C-2”; Uses include East University Avenue, a single-family residence, and Now or Later Restaurant.

South – “R1-60”; Use is a campground for the Iowa State Fairgrounds.

East – “C-2” and “R1-60”; Uses include A to Z Rental and an undeveloped parcel.

West - “C-1” and “R1-60”; Uses include the East Town Animal Hospital and an undeveloped parcel.

6. General Neighborhood/Area Land Uses: The subject property is located along East University Avenue in an area that is a mix of commercial and residential uses. The subject property is located between East University Avenue to the north and the Iowa State Fairgrounds campgrounds to the south. The areas to east and west of the site are mostly undeveloped.

7. Applicable Recognized Neighborhood(s): N/A.

8. Relevant Zoning History: N/A.

9. 2020 Community Character Land Use Plan Designation: Commercial: Auto Oriented Small-Scale Strip Development and Low-Density Residential.

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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Natural Site Features: The south half of the site is a natural open space area with several existing trees and vegetation. The site slopes downward to the east.

2. Drainage/Grading: Future development on the site would be subject to review and approval of a site plan by the City’s Permit and Development Center. This site plan must be in conformance with the City’s storm water management requirements under the City’s site plan policies.

3. Landscaping & Buffering: Future development on the site would be subject to review and approval of a site plan by the City’s Permit and Development Center. This site plan must include the entire property and must be in conformance with the City’s landscaping standards, which would include perimeter, buffer yard, and parking lot plantings. In addition, the East University Avenue Beautification guidelines would apply to any site plan proposed for the area. Under site plan policies the owner would only be obligated to install the six (6’) foot wide scored sidewalk and dedicate land, if necessary, for the complete streetscape to be installed.

Staff would recommend that any site plan for the subject property include the full installation of the East University Avenue Beautification guidelines for the streetscape including the brick paver areas between the curb and sidewalk, plantings, and the utility paver band. The Commission required the same streetscape improvements for the Thomas Uses Cars facility at 2110 East University Avenue.

4. **Traffic/Street System:** Staff believes that adjoining East University Avenue can adequately support the traffic generated by any future reuse of the site as allowed in the requested "C-2" District so long as the site provides the minimum required off-street parking.

A small residential neighborhood is located approximately 300' west of the subject property. In this area, Maple Street is stubbed to allow a future extension eastward for additional single-family residential development. In the future, Maple Street could potentially be extended across the neighboring undeveloped land and subject property with residential lots platted on both the north and south sides of the street. However, staff believes that it is unlikely that the area would ever be developed for residential use due to topography and a drainage way passing through the area.

The East University Avenue Beautification guidelines would be applicable to any site plan proposed for the area, which includes a provision requiring a 6'-wide concrete sidewalk, scored into 2' x 2' squares, along East University Avenue.

5. **Access or Parking:** The subject property currently has three driveways from East University Avenue. According to the submitted site sketch, the proposed mini-warehouse structures would be accessed by the existing drive approaches.
6. **2020 Community Character Plan:** The proposed "C-2" District is in conformance with the portion of the site fronting East University Avenue that is designated as Commercial: Auto Oriented Small-Scale Strip Development. However, the proposed rezoning of the entire site would require an amendment for the area currently designated as Low-Density Residential.

Staff believes that it is unlikely that the portion of the site currently designated as Low-Density Residential would ever be developed for residential use due to the topography and a drainage way passing through the area. Staff believes that the proposed land use designation and zoning would be appropriate so long the site is redeveloped in accordance with an approved Site Plan. Staff also believes that following uses should be prohibited in order to protect residential properties in the vicinity: adult entertainment, package good store for sale of alcoholic beverages, tavern

7. **Permit and Development Center Comments:** Any development of the property for a commercial use is subject to review and approval of a site plan by the City's Permit and Development Center conforming to all City development codes, including but not limited to storm water, landscaping, parking, and building code requirements.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Indicated there was concern about having another mini storage facility in the area.

Randy Meiners, BKM Renovators President: Explained he bought the property 2 years ago and noted there were old abandoned appliances that had been cleaned up. Indicated the home on site has been refurbished as well. Indicated the intention is to grade into the hillside to the rear of the property and have poured concrete walls on three sides of the existing building. Expect the use to be small contractor business. Had no concerns with the beautification aspects of the recommendation and indicated support for making East University a more attractive corridor. Explained there is volunteer vegetation and small caliper trees that they would attempt to retain where possible and would comply with green space requirements. Storage of equipment and vehicles would be fully enclosed. Would also meet other requirements relative to screening.

Tim Urban: Asked if there would be any design requirements on any building. Questioned if the request would be the best use of the subject land.

Mike Ludwig: Noted there were no commercial design requirements.

Brian Millard: Asked if the applicant would be opposed to adding pawn shops to the restricted uses.

Randy Meiners: Indicated he would not be opposed to including pawn shops to the restricted uses. Noted the buildings would be steel with metal sheeting pitched roofs.

Tim Urban: Suggested a modified use of construction with color.

Fran Koontz: Suggested a green metal roof with knee-level brick wall.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

Tim Urban: Noted the project as presented would not be accepted in any of the suburbs. Expressed concern for allowing a metal building to go in at the subject site.

Randy Meiners: Explained there are some challenges for developing the site for residential. Noted the building that fronts University is a metal building as is the commercial building to the east. Indicated he would take into consideration making the building conform to the residential character in the neighborhood.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Agreed that there should be more color with a standing seam metal roof residential in character with some masonry around the building, particularly around the residential side and windows if necessary to soften the character. Moved staff recommendation with the additional exclusion of check cashing and pawn shops as uses.

Brook Rosenberg: Asked if the building being proposed would be seen from the street.

Erik Lundy: Noted if the pitch of the roof is steep it may be seen from University but it would be unlikely the façade would be seen from the street.

Tim Urban: Recommended an amendment to the motion that the applicant work with staff to modify the design of the building to be more in character with the residential properties in the area.

Fran Koontz: Accepted the recommendation as a friendly amendment.

Marc Wallace: Did not think the building would be visible and suggested using a concrete form that had a brick-like façade to make it appear to be brick in design.

Mike Ludwig: Noted the landscaping plan could be reviewed at site plan process to help buffer the building also.

Motion passed 11-2; Brook Rosenberg and Jeffrey Johannsen were in opposition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is fluid and cursive, with the first name "Michael" and last name "Ludwig" clearly distinguishable.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

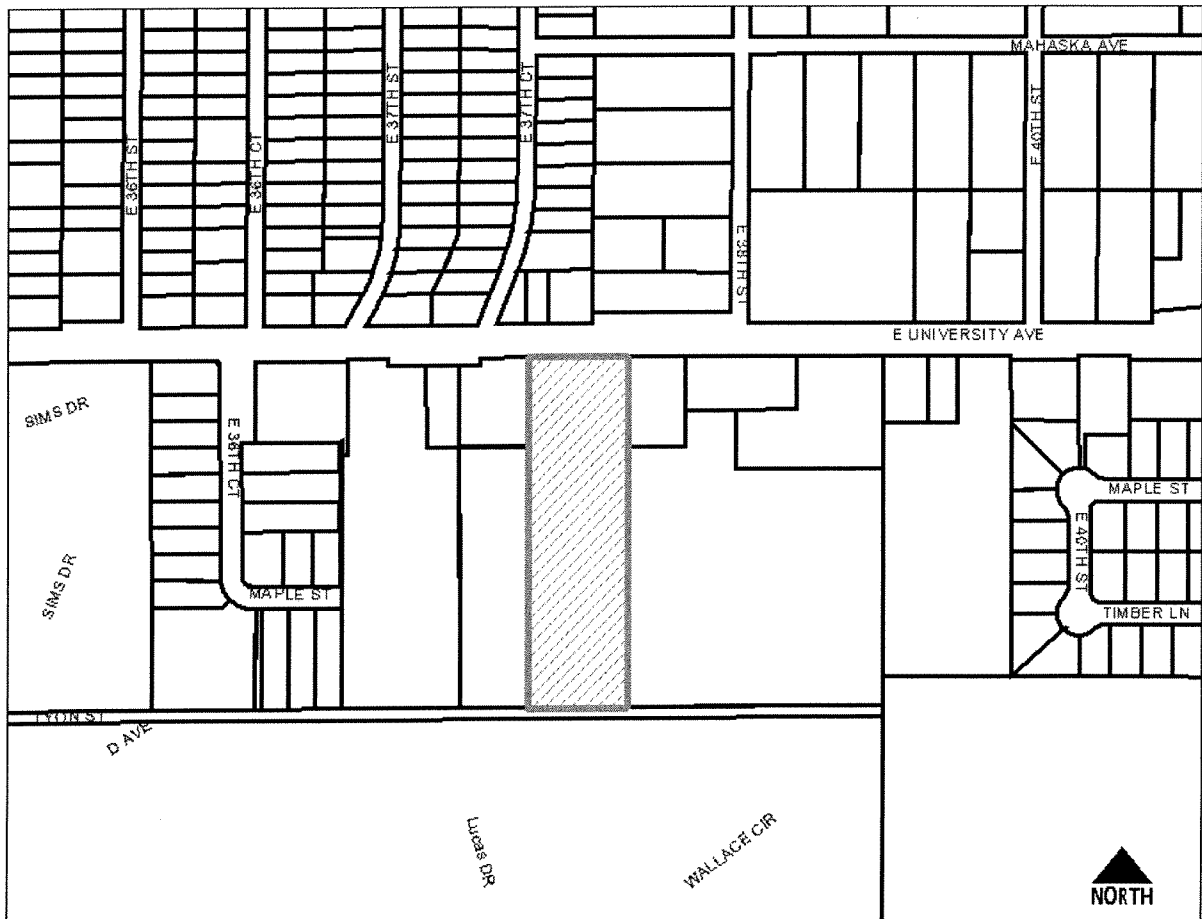
Attachment

26

Request from BKM Renovators, L.C. (owner) represented by Randall Meiners (officer) to rezone property located at 3725 East University Avenue.		File #		
		ZON2006-00017		
Description of Action	Rezone property from "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District to allow for development of the site for miniwarehousing.			
2020 Community Character Plan	Low-Density Residential & Commercial: Auto-Oriented Small-Scale Strip Development			
Horizon 2025 Transportation Plan	East University Avenue from E 33 rd Street to East City Limits widen from 4 lane undivided to 5 lane undivided			
Current Zoning District	"C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District			
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	1	0	<20%
Plan and Zoning Commission Action	Approval	11-2	Required 6/7 Vote of the City Council	Yes
	Denial			No

BKM Renovators, LC - 3725/3729 E University Avenue

ZON2006-00017



Item ZON 2006-00017

Date 3-13-06

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

(Circle One)

RECEIVED

MAR 15 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Earl W & Marla K. Paul

Signature Marla K. Paul

Address 3701 E University Ave

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

*Since there are already commercial businesses adjoining this land it makes sense to change to C-2-
We sincerely hope this gets approved.
Earl Paul*

Item ZON 2006-00017

Date _____

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

(Circle One)

RECEIVED

MAR 10 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Randy Meiners

Signature Randal Meiner

Address 3725 E. University Ave

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

SUBJECT PROPERTY

26

Item 2002006-00017 Date 3-6-06

I (am) in favor of the request.
(Circle One)

RECEIVED

MAR 14 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Beverly Carl

Signature Beverly Carl

Address 1208 E. 38th St.

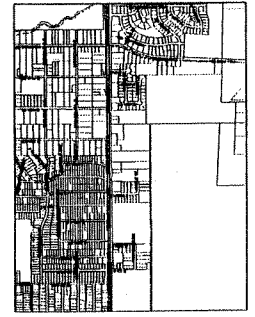
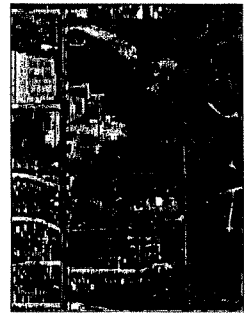
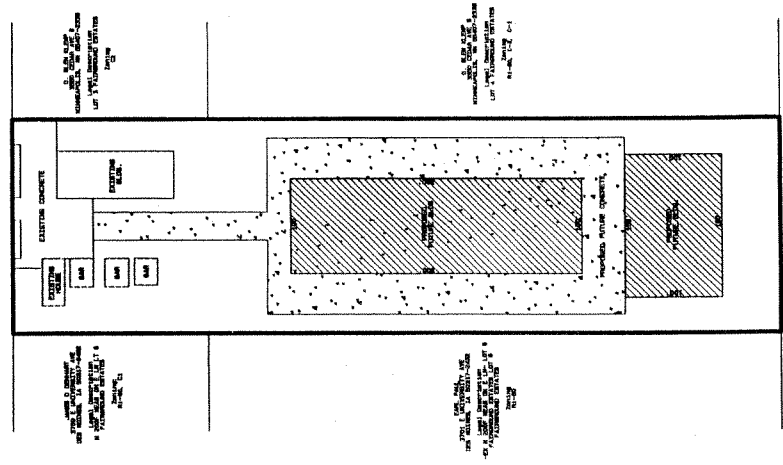
Reason for opposing or approving this request may be listed below:

I think one mini storage/warehousing is enough in our
area. It'd like to see a department-like store or specialized store
such as a religious goods or medical supplies, etc., as the
whole neighborhood could benefit.

26

CONCEPT DRAWING

E. UNIVERSITY AVE.



NO.	DATE	BY	CHKD.	FILE NO.
1				
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CONCEPT DRAWING
 BIG SKY DEVELOPMENT, LLC
 1770 UNIVERSITY AVENUE
 PLEASANT HILL, IOWA 50327

Associated Engineering Company
 of Iowa
 2817 North Luther King Parkway
 Des Moines, Iowa 50316
 Phone (515) 255-3156 Fax (515) 255-3157

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