

Date..... April 12, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 1, 2010, its members voted 12-0 to recommend **APPROVAL** of a request from Broadway Storage, LC (owner) to rezone property located at 4448 and 4518 East 50th Street from "A-1" Agricultural District to Limited "M-1" Light Industrial District subject to the applicant agreeing to the following:

A. The following uses of structures and land shall be prohibited upon the Property:

- a. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted;
- b. Farms, except growing crops on any land that has not been improved;
- c. Asphalt or concrete mixing or production facilities;
- d. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances;
- e. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated;
- f. Cemeteries;
- g. Adult entertainment businesses;
- h. Arcades or game rooms as a substantial portion of a business;
- i. Taverns and nightclubs;
- j. Animal rendering or slaughter facility;
- k. Off-premises advertising signage;
- l. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility;
- m. Jail, prison, or any other correctional facility of any kind;
- n. Any public or private nuisance or illegal activity;
- o. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks;
- p. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
- q. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

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- r. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
 - s. Package goods store for the sale of alcoholic beverages;
 - t. Vehicle display lots, including but not limited to used car sales lot;
 - u. Pawn brokerages; and,
 - v. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.
- B. The following standards shall apply to any building hereafter constructed for mini-warehouse use:
- 1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
 - 2. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - 3. No storage access doors shall be on the south façades of either the easternmost or westernmost mini-warehouse buildings.
 - 4. Any additional fencing along East 50th Street shall be wrought iron to match that along the Broadway Avenue frontage road.
- C. Outside storage on the premises shall be prohibited.
- D. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.
- E. Sidewalks shall be installed within East 50th Street right-of-way along both the existing mini-warehouse site and the expansion site prior to the issuance of a Certificate of Occupancy for any building hereafter constructed.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director to be consistent with the overall development and design of Broadway Business Park.

April 5, 2010

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 April 1, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty	X			
Joel Huston	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Jim Martin				X
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of a request from Broadway Storage, LC., (owner) to find the requested rezoning of property located at 4448 and 4518 East 50th Street not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development; to approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park for properties at 4448, 4410, 4376, 4344, 4312, 4282, 4250, 4216, 4219, 4255, 4289, 4325 and 4518 East 50th Street; and to approve the requested rezoning of 4448 and 4518 East 50th Street to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:
(ZON2010-00017 & 21-2010-4.01)

- A. The following uses of structures and land shall be prohibited upon the Property:
 - a. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other



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

residential facility of any kind, except that hotels and motels who rent to transient guests are permitted;

- b. Farms, except growing crops on any land that has not been improved;
- c. Asphalt or concrete mixing or production facilities;
- d. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances;
- e. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated;
- f. Cemeteries;
- g. Adult entertainment businesses;
- h. Arcades or game rooms as a substantial portion of a business;
- i. Taverns and nightclubs;
- j. Animal rendering or slaughter facility;
- k. Off-premises advertising signage;
- l. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility;
- m. Jail, prison, or any other correctional facility of any kind;
- n. Any public or private nuisance or illegal activity;
- o. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks;
- p. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
- q. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
- r. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
- s. Package goods store for the sale of alcoholic beverages;
- t. Vehicle display lots, including but not limited to used car sales lot;
- u. Pawn brokerages; and,
- v. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.

B. The following standards shall apply to any building hereafter constructed for mini-warehouse use:

1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
2. No storage access doors shall be oriented toward a public street or any adjoining residential development.

3. No storage access doors shall be on the south façades of either the easternmost or westernmost mini-warehouse buildings.
 4. Any additional fencing along East 50th Street shall be wrought iron to match that along the Broadway Avenue frontage road.
- C. Outside storage on the premises shall be prohibited.
- D. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.
- E. Sidewalks shall be installed within East 50th Street right-of-way along both the existing mini-warehouse site and the expansion site prior to the issuance of a Certificate of Occupancy for any building hereafter constructed.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director to be consistent with the overall development and design of Broadway Business Park.
- G. All overhead doors and loading docks on any principal or accessory building shall not face East 50th Street or East Broadway Avenue, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the site to allow the existing miniwarehouse complex at 4518 East 50th Street to expand onto the vacant parcel adjoining to the south at 4448 East 50th Street. The submitted conceptual layout shows 7 rows of storage buildings with 2 buildings in each row. The buildings would all be approximately 100 feet long with widths varying between 30 feet and 50 feet. Future construction would be subject to administrative review of a Site Plan by the City's Permit & Development Center. Construction of any miniwarehouse structure that is over 150 feet in length or that is closer than 10 feet from another building would require approval by the Zoning Board of Adjustment.
2. **Size of Site:** 9.66 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** The site contains an existing miniwarehouse complex at 4518 East 50th Street and a vacant parcel at 4448 East 50th Street.

5. Adjacent Land Use and Zoning:

North - “A-1”, Uses are commercial uses along Broadway Avenue, including the Archer Motel.

South – “Limited M-1”, Use is an undeveloped lot within the Broadway Business Park.

East – “Limited M-1”, Uses are undeveloped lots within the Broadway Business Park and a warehouse for Warren Frozen Foods.

West – “A-1” and “Summersfield PUD”, Uses include the former Homemakers Furniture building and vacant land for a future phase for the Summerfield single-family residential subdivision.

6. **General Neighborhood/Area Land Uses:** The subject properties are within the Broadway Business Park on the south side of Broadway Avenue west of the Highway 65 bypass.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** Prior to annexation to the City of Des Moines on June 26, 2009, the site was zoned “LB” Light Business District (Polk County). The existing miniwarehouse buildings at 4518 East 50th Street are a legal non-conforming use in the “A-1” Agricultural District.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential and 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. **Miniwarehouse Requirements:** The rezoning would allow the existing miniwarehouse complex to expand onto the vacant parcel adjacent to the south (4448 East 50th Street). The submitted conceptual layout shows seven rows of storage buildings, with the overhead doors generally facing east and west. The buildings would all be approximately 100 feet long with widths varying between 30 feet and 50 feet. Construction of any miniwarehouse structure that is over 150 feet in length or that is closer than 10 feet from another building would require approval by the Zoning Board of Adjustment since the Zoning Ordinance requires miniwarehouse buildings to be no greater than 150 feet in length and to be at least 10 feet from any other structure.

- 2. Urban Design:** Staff believes that the visual appearance of miniwarehouse projects is important to the surrounding neighborhood. The functional nature of the structures and their need to be arranged for easy access can become plain and repetitive, making them less attractive to their context. Staff believes that no storage access doors should be oriented toward a public street or any adjoining residential development. The submitted sketch satisfies this criterion. However, it does demonstrate that some of the buildings would have small storage units with doors on the south façade facing the adjoining undeveloped property. Staff recommends prohibition of garage doors on the south façade of either the easternmost (closest to East 50th Street) or the westernmost (closest to the residential development) miniwarehouse buildings.

Staff recommends that all walls facing external to the site should be of a durable material and have an appearance of stone, masonry, or brick material. The applicant has proposed using a fiber cement board material that appears to be brick or stone. Staff has requested the applicant submit a sample for further review. Since staff has not yet been able to review the material, staff recommends the zoning condition that all storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material or other durable material as approved by the Community Development Director.

The existing miniwarehouse facility is surrounded by a 6-foot tall black metal fence. The portion of the fence along Broadway Avenue is constructed of wrought iron while the balance is vinyl clad chain link. Staff recommends that any additional fencing along East 50th Street shall be wrought iron to match that along the Broadway Avenue frontage road.

- 3. Landscaping & Buffering:** Any construction on the site is subject to administrative approval of a Site Plan by the City's Permit & Development Center. The Site Plan must be in compliance with the Des Moines Landscape Standards, including provision of perimeter planting and at least 20% open space.
- 4. Natural Site Features:** The subject properties are within a business park that has been prepared for development. The vacant parcel has a stable ground cover to prevent erosion. The Summerfield single-family residential PUD to the west has a 40-foot wide conservation easement along its eastern border shared with the Broadway Business Park that contains several trees and vegetation.
- 5. Drainage/Grading:** The applicant is required to demonstrate compliance with the City's stormwater management requirements to the satisfaction of the Permit & Development Center. All grading is subject to an approved grading permit and soil erosion control plan. The submitted conceptual sketch shows a storm water detention area located in the western portion of the site.
- 6. Traffic/Street System:** The business park development was not required to have public sidewalks when the subdivision plat was approved by Polk County. However, the recorded declaration of covenants requires that all owners install a 6-foot wide sidewalk in accordance with the City of Des Moines standards (in this case the City has adopted SUDAS) within three months after being annexed into the City of Des Moines. Therefore, staff recommends the rezoning be conditional upon sidewalks being installed within East 50th Street right-of-way along both the existing miniwarehouse site and the expansion site prior to the issuance of a Certificate of

Occupancy for any building hereafter constructed.

The existing miniwarehouse facility is accessed by a drive approach from the Broadway Avenue frontage road to the north and East 50th Street to the east. The submitted site sketch indicates the expansion area would be accessed by one additional drive approach from East 50th Street, as well an internal drive from the existing site.

- 7. Proposed Land Uses:** When the subdivision plat was approved by Polk County, restrictive covenants were placed on the properties that prohibit the following uses:
1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted;
 2. Farms, except growing crops on any land that has not been improved;
 3. Asphalt or concrete mixing or production facilities;
 4. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances;
 5. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated;
 6. Cemeteries;
 7. Adult entertainment businesses;
 8. Arcades or game rooms as a substantial portion of a business;
 9. Taverns and nightclubs;
 10. Animal rendering or slaughter facility;
 11. Off-premises advertising signage;
 12. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility;
 13. Jail, prison, or any other correctional facility of any kind;
 14. Any public or private nuisance or illegal activity;
 15. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks;
 16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
 17. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
 18. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

In addition, staff recommends the following uses also be prohibited:

1. Package goods store for the sale of alcoholic beverages;

2. Vehicle display lots, including but not limited to used car sales lot;
3. Pawn brokerages; and,
4. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.

Staff believes that these use restrictions keep the subject properties within the spirit and intent of a Planned Business Park as defined by the Des Moines' 2020 Community Character Plan.

8. **2020 Community Character Plan:** The parcel at 4518 East 50th Street that contains the existing miniwarehouse use is within an area designated as Commercial: Auto-Oriented Small-Scale Strip Development in the Des Moines' 2020 Community Character Plan and the undeveloped parcel at 4448 East 50th Street is within an area designated as Low-Density Residential. The applicant has requested the designations for these parcels be amended to Planned Business Park since they are within a business park. Although typically a General Industrial land use designation is appropriate to allow a rezoning to "M-1", staff believes the Planned Business Park designation is appropriate in this instance given the zoning limitations recommended by staff regarding permitted uses and physical design standards.

On June 15, 2006, the Plan & Zoning Commission recommended approval of amending the Des Moines' 2020 Community Character Plan future land use designation for most of the parcels within the Broadway Business Park to Planned Business Park in order to rezone those parcels to "Limited M-1" Light Industrial District. While the Council approved the rezoning of these parcels on July 24, 2006, the amendment to the Des Moines' 2020 Community Character Plan was inadvertently never considered by City Council for approval. Therefore, the City Council will also consider the previously proposed amendment when considering the currently proposed amendment.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development.

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

Part C) Staff recommends approval of the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

- A. The following uses of structures and land shall be prohibited upon the Property:
 - a. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted;
 - b. Farms, except growing crops on any land that has not been improved;

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- B. The following standards shall apply to any building hereafter constructed for miniwarehouse use:
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 2. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 3. No storage access doors shall be on the south façades of either the easternmost or westernmost miniwarehouse buildings.
 4. Any additional fencing along East 50th Street shall be wrought iron to match that along the Broadway Avenue frontage road.

- C. Outside storage on the premises shall be prohibited.
- D. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.
- E. Sidewalks shall be installed within East 50th Street right-of-way along both the existing miniwarehouse site and the expansion site prior to the issuance of a Certificate of Occupancy for any building hereafter constructed.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director to be consistent with the overall development and design of Broadway Business Park.
- G. All overhead doors and loading docks on any principal or accessory building shall not face East 50th Street or East Broadway Avenue, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Kent Sovern moved staff recommendation to find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development; to approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park; and to approve the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

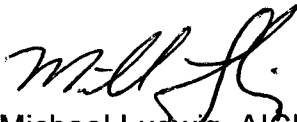
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- G. All overhead doors and loading docks on any principal or accessory building shall not face East 50th Street or East Broadway Avenue, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item ZON2010-00017 Date 2/23/10

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

COMMUNITY DEVELOPMENT

Print Name Kenneth Neshen

FEB 26 2010

Signature [Handwritten Signature]

DEPARTMENT

Address 465 Hubbard

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

Item ZON2010-00017 Date 2-23-10

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Eric VanderLinden
Signature Eric VanderLinden
Address 4933 NE Broadway Ave, 50317
FEB 26 2010

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

Self storage is a good use of the land.
It will increase the tax base without raising
crime or additional use of city resources.
It will also generate additional sales tax revenue
for the schools. SUBJECT PROPERTY

Item ZON2010-00017 Date 2-25-10

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Dave Merschman
Signature Dave Merschman
Address HomeMakers - 5035 Hubbell Ave
Des Moines 50317
MAR 01 2010

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

We feel that the request is in line
with the character of the neighborhood.