

Date May 19, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 1, 2008, its members voted 9-0 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 1700 East University Avenue from "C-1" Neighborhood Retail Commercial District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow the property to be used for automobile repair, subject to the owner of the property agreeing to the following conditions:

1. Permitted uses of the property shall be limited to the following:
  - a. Garage for general motor vehicle repair, but not including body and fender work and overall painting and steam cleaning, but including upholstery, scratch and dent repair, and minor painting within a completely enclosed building.
  - b. Uses as permitted in the "C-1" Neighborhood Retail Commercial District, except for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Reuse of the property shall be subject to administrative review and approval of a site plan by the Permit and Development Center that demonstrates compliance with the East University Avenue Design Guidelines and the City's stormwater management, landscaping and buffering requirements.
3. Any renovation of the structure shall comply with all applicable building codes and shall be in accordance with all necessary permits issued by the Permit and Development Center.
4. A minimum 5-foot-wide landscape buffer shall be provided along the east site boundary.
5. All landscaping shall be continuously maintained or replaced in accordance with the approved site plan for the life of the certificate of occupancy.
6. Any off-street parking area shall be accessed by a curb cut and drive approach that aligns with the east/west drive aisle within the parking lot.
7. Any overhead garage doors shall be located on the north façade of the structure and accessed through the off-street parking area.
8. The asphalt paving shall be removed from the front yard areas to the south and to the west of the structure and the area shall be restored with sod and other landscaping materials.
9. Display of vehicles for sale shall be prohibited.
10. Outdoor repair and servicing of vehicles shall be prohibited.

(Continued)

Date May 19, 2008

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11. Outdoor display of automobile accessories and storage of materials or equipment such as barrels, tires and tools is prohibited.
12. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
13. Parking of all vehicles associated with the business such as wrecking trucks shall be outside of the required 25-foot front yard building setback.
14. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.

The subject property is more specifically described as follows:

Lots 181, 182, 183, Witmers, 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 June 9, 2008, 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.

(Continued)

★ **Roll Call Number**

**Agenda Item Number**


22

Date May 19, 2008

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MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(ZON2008-00050)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

Request from BKM Renovators, L.C. (owner) represented by Randal Meiners (officer) to rezone property located at 1700 East University Avenue.			File #	
			ZON2008-00050	
<b>Description of Action</b>	Rezone property from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway Oriented Commercial District, to allow the property to be used for automobile repair.			
<b>2020 Community Character Plan</b>	Low/Medium Density Residential			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"C-1" Neighborhood Retail Commercial District			
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway Oriented Commercial District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	5	0	<20%
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	<b>Denial</b>			No

BKM Renovators LC - 1700 E University Avenue

ZON2008-00050



Date \_\_\_\_\_

Agenda Item 22

Roll Call # \_\_\_\_\_

May 19, 2008

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 1, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
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 Millard	X			
Mike Simonson				X
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			

**APPROVAL** of a request from BKM Renovators, L.C. (owner) represented by Randal Meiners (officer) to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low/Medium Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development for property located at 1700 East University Avenue. (21-2008-4.10)

By same motion and vote, Commissioners recommended **APPROVAL** of a request to rezone subject property from "C-1" Neighborhood Retail Commercial District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow the property to be used for automobile repair, subject to the owner of the property agreeing to the following conditions: (ZON2008-00050)

1. Permitted uses of the property shall be limited to the following:
  - a. Garage for general motor vehicle repair, but not including body and fender work and overall painting and steam cleaning, but including upholstery, scratch and dent repair, and minor painting within a completely enclosed building.
  - b. Uses as permitted in the "C-1" Neighborhood Retail Commercial District, except for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.



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

2. Reuse of the property shall be subject to administrative review and approval of a site plan by the Permit and Development Center that demonstrates compliance with the East University Avenue Design Guidelines and the City's stormwater management, landscaping and buffering requirements.
3. Any renovation of the structure shall comply with all applicable building codes and shall be in accordance with all necessary permits issued by the Permit and Development Center.
4. A minimum 5-foot-wide landscape buffer shall be provided along the east site boundary.
5. All landscaping shall be continuously maintained or replaced in accordance with the approved site plan for the life of the certificate of occupancy.
6. Any off-street parking area shall be accessed by a curb cut and drive approach that aligns with the east/west drive aisle within the parking lot.
7. Any overhead garage doors shall be located on the north façade of the structure and accessed through the off-street parking area.
8. The asphalt paving shall be removed from the front yard areas to the south and to the west of the structure and the area shall be restored with sod and other landscaping materials.
9. Display of vehicles for sale shall be prohibited.
10. Outdoor repair and servicing of vehicles shall be prohibited.
11. Outdoor display of automobile accessories and storage of materials or equipment such as barrels, tires and tools is prohibited.
12. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
13. Parking of all vehicles associated with the business such as wrecking trucks shall be outside of the required 25-foot front yard building setback.
14. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.

Written Responses

0 In Favor

4 In Opposition

*This item will not require a 6/7 vote of City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends the Commission find the requested rezoning is not in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Low/Medium Density Residential.

Part B) Staff recommends the Commission approve the requested amendment to the Des Moines' 2020 Community Character Plan's future land use designation of Commercial: Auto-Oriented, Small-Scale Strip Development.

Part C) Staff recommends approval of the requested rezoning subject to the owner of the property agreeing to the following conditions:

1. Permitted uses of the property shall be limited to the following:
  - a. Garage for general motor vehicle repair, but not including body and fender work and overall painting and steam cleaning, but including upholstery, scratch and dent repair, and minor painting within a completely enclosed building.
  - b. Uses as permitted in the "C-1" Neighborhood Retail Commercial District, except for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Reuse of the property shall be subject to administrative review and approval of a site plan by the Permit and Development Center that demonstrates compliance with the East

University Avenue Design Guidelines and the City's stormwater management, landscaping and buffering requirements.

3. Any renovation of the structure shall comply with all applicable building codes and shall be in accordance with all necessary permits issued by the Permit and Development Center.
4. A minimum 5-foot-wide landscape buffer shall be provided along the east site boundary.
5. All landscaping shall be continuously maintained or replaced in accordance with the approved site plan for the life of the certificate of occupancy.
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9. Display of vehicles for sale shall be prohibited.
10. Outdoor repair and servicing of vehicles shall be prohibited.
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12. All refuse and trash disposal containers shall be contained within an enclosure that complies with the Site Plan regulations.
13. Parking of all vehicles associated with the business such as wrecking trucks shall be outside of the required 25-foot front yard building setback.
14. Automobiles shall only be parked in marked parking spaces in accordance with an approved site plan.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to rezone the property to allow the site to be used for automobile repair. The submitted site sketch indicates that the existing building would be renovated and that a new off-street parking lot with 15 spaces would be constructed in place of the graveled lot to the north of the building. The sketch also indicates that existing asphalt located in the space between the building and the curbs along East University Avenue and East 17<sup>th</sup> Street would be removed and replaced with landscaping.

The rezoning request also includes the adjoining 7-foot-wide vacated alley right-of-way adjoining to the east. The appellant indicates they intend to acquire this excess right-of-way from the City.

Any use of the property for an automobile repair use would be subject to administrative review and approval of a site plan by the Permit and Development Center that complies with all site plan policies, including landscaping and stormwater management. The site plan must also comply with the East University Avenue Design Guidelines, which require improvements to the front of the property including widening of the public sidewalk.

2. **Size of Site:** The parcel measures 133 feet by 150 feet or 19,950 square feet (0.46 acre). The adjoining vacated alley right-of-way measures 7 feet by 125 feet or 875 square feet (0.02 acre).
3. **Existing Zoning (site):** "C-1" Neighborhood Retail Commercial District.
4. **Existing Land Use (site):** The site contains a 1-story structure with 8,583 square feet of area and a graveled parking lot to the north of the building.
5. **Adjacent Land Use and Zoning:**

**North** – “R-2A”, Uses are single-family dwellings.

**South** – “C-1”, Uses are East University Avenue and a one-story commercial structure.

**East** – “C-1”, Uses vacated alley right-of-way and a one-story commercial structure.

**West** – “C-1”, Uses are East 17<sup>th</sup> Street and a parking lot for a church.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the East University Avenue highway commercial corridor, which has primarily low density residential neighborhoods to the north and south of the commercial corridor.
7. **Applicable Recognized Neighborhood(s):** Martin Luther King, Jr. Park Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium-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. **Site Plan Review:** Future reuse of the property would be subject to administrative review and approval of a site plan by the Permit and Development Center. The site plan must demonstrate compliance with the City’s stormwater management, landscaping and buffering requirements.
2. **Drainage/Grading:** Any increase of impervious surface (paving or buildings) will require conformance with a storm water management plan consistent with the Site Plan Policies.
3. **Landscaping & Buffering:** The City’s Landscaping Standards generally require the following:
  - *20% open space with a minimum of 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.*
  - *10'-wide bufferyards along property lines that adjoin a “R” District or residential use with a 6'-tall, 75% opaque fence or wall, and 2 overstory trees and 6 evergreen trees per 100 lineal feet of property line.*
  - *1 overstory tree and 3 shrubs must be provided along the perimeter of parking lots for every 50 lineal feet of frontage.*
  - *All landscaping shall be continuously maintained or replaced in accordance with the approved site plan for the life of the certificate of occupancy.*

*These standards require that a 10-foot-wide landscape buffer be provided along the north property line that includes a 6-foot-tall solid fence, 3 overstory trees, and 9 evergreen trees. Staff believes that this is adequate to buffer the proposed use from the adjoining residential property. Staff recommends that a minimum 5-foot-wide landscape area also be provided along the east site boundary. This could be provided either on the property or on the adjoining vacated alley right-of-way if combined with the parcel.*



**4. Access or Parking:** The proposed reuse of the site would require a total of 15 off-street parking spaces. The submitted site sketch demonstrates that an off-street parking lot with 15 spaces would fit on the subject property. Staff believes that the existing curb cut and drive approach along East 17<sup>th</sup> Street should be shifted to the north to align with the east/west drive aisle within any off-street parking lot. Staff also recommends that any overhead garage doors shall be located on the north façade of the structure and accessed through the off-street parking area in order to prevent vehicles accessing the door to be maneuver onto public right-of-way.

The submitted site sketch also demonstrates that the existing asphalt located to the south and to the west of the structure would be removed and replaced with landscaping.

**5. 2020 Community Character Plan:** The proposed "C-2" General Retail and Highway-Oriented Commercial District is not compatible with the Low/Medium-Density Residential future land use designation. Therefore staff recommends the future land use designation be amended to Commercial: Auto-Oriented, Small-Scale Strip Development.

Staff believes that the permitted uses of the property be limited to a garage for general motor vehicle repair and uses as permitted in the "C-1" District. Because of the need to protect surrounding residential property, certain uses permitted in the "C-1" District may not be appropriate. Staff recommends that a condition be accepted by the applicant prohibiting the use of the property for packaged goods stores for the sale of alcoholic beverages, pawn shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

## SUMMARY OF DISCUSSION

Jason Van Essen: Presented staff report and recommendation.

Tim Urban: Asked about the exterior sheeting of the building.

Jason VanEssen: Noted it is painted wood and may be brick since the rear is brick.

Tim Urban: Asked if it was unreasonable to ask the applicant to restore the brick façade and get rid of the wood siding.

David Cupp: Asked how to prevent the rear parking area from becoming a scrap yard.

Jason Van Essen: Through enforcement because outdoor storage of inoperable vehicles or scrapping is an M-2 use and would be a zoning violation because it is not an allowed use in the C-2 zoning district.

Larry Hulse: Noted a condition could be put on the motion that the rear parking area would only be for customer parking.

Randy Meiners, 5161 Maple Drive, Pleasant Hill: Noted there is an overhead door in the northeast corner of the building and there is no intent to add more doors to the north side. Explained it is angled and if they purchase the alley it won't be an issue.

Tim Urban: Asked about restoring the brick façade.

Randy Meiners: Noted the building next door is painted a neutral tan and his intent is to repaint his to a grayish color to improve the appearance. Noted it used to be Hawkeye Yamaha and the history is over the course of time it was used as a mechanical type use. They are trying to remain in compliance with the occupancy.

Tim Urban: Asked if there would be security fencing around the parking lot.

Randy Meiners: Explained the requirements from staff are an opaque 6' high fence on the north boundary and a landscaping buffer and two trees. Noted he will be renting the building and currently the tenant uses the building for their own repair of automobiles they use in their used car business elsewhere.

Tim Urban: He urged they carry the opaque fence around the corner to provide more screening from the residential properties, if the parking in the rear is for vehicles for repair that would be there for a period of time.

Randy Meiners: Ask that it not be a requirement. Expressed concern that a screened fence would encourage the scrapping use.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

David Cupp: Moved staff recommendation to find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Low/Medium Density Residential.

Motion passed 8-1 (JoAnne Corigliano was in opposition).

David Cupp: Moved staff recommendation to rezone the subject property from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway Oriented Commercial District, to allow the property to be used for automobile repair, subject to conditions.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

**Drost, Bert A.**

---

**From:** Dennis Lonsdale [lonsdaled@ncbpinc.com]  
**Sent:** Friday, April 25, 2008 10:42 AM  
**To:** Drost, Bert A.  
**Subject:** FW: Mailing list  
**Attachments:** ZON2008-00050.xls

Bert

I visited with Mr. Meiners this morning and told him that our previous experience with the auto repair business that rented his building was not good.

He told me that he was working to make sure that the new auto repair business would not be as bad.

He told me that the previous problem was caused by the original renter renting it out to another business.

Please do whatever is necessary to ensure that we will not have to deal with an auto repair business like the last one.

Thank you,

Dennis Lonsdale  
North Country Business Products  
11071 Aurora Ave, Building #2  
Urbandale, Iowa 50322  
515-282-9833

---

**From:** bkmproperties@aol.com [mailto:bkmproperties@aol.com]  
**Sent:** Friday, April 25, 2008 10:25 AM  
**To:** Dennis Lonsdale  
**Subject:** Fwd: Mailing list

Thanks Dennis.

Randal Meiners  
BKM Properties/ Valuation Resources  
515-264-8258 Office  
515-490-1854 Cell  
515-264-4029 Fax

-----Original Message-----

From: Drost, Bert A. <BADrost@dmgov.org>  
To: 'bkmproperties@aol.com' <bkmproperties@aol.com>  
Sent: Fri, 25 Apr 2008 9:32 am  
Subject: Mailing list

Mr. Meiners,  
Attached is the spreadsheet of mailing addresses for properties within 250 feet of the site.  
Bert  
283-4257

---

Plan your next roadtrip with [MapQuest.com](http://MapQuest.com): America's #1 Mapping Site.

5/1/2008

Item ZON 2008-0050 Date \_\_\_\_\_

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

(Circle One)

**RECEIVED**

Print Name Phil Ebent

MAY 06 2008 Signature [Signature]

**COMMUNITY DEVELOPMENT DEPARTMENT** Address 1734 E University

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON 2008-00050 Date \_\_\_\_\_

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

(Circle One)  
**RECEIVED**

MAY 08 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Dinora Amaya

Signature Dinora Amaya

Address ~~\_\_\_\_\_~~ 914 East 9th S

Reason for opposing or approving this request may be listed below: DMS IA 50316

NO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 20N 2008-00050 Date APR 2 2008 LET US BRING TO YOURS, THINK, SPEAK AND WRITE. John Adams, 1765 poweroftheletter.com

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

(Circle) **RECEIVED** Print Name Judy Mainin

APR 2 2008 Signature Judy Mainin

COMMUNITY DEVELOPMENT DEPARTMENT Address 914 E. 17th St

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

Air pollution

Item 20N 2008-00050 Date 4/19/08

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

(Circle One) **RECEIVED** Print Name ROSALIE DAVIS

APR 2 2008 Signature Rosalie Davis

COMMUNITY DEVELOPMENT DEPARTMENT Address 1216 E. 17th St

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

Already Congestion in a small area near a busy street where children need to cross street to go back and forth to school.

Item ZON2008-00050 Date 4-22-08  
 I (am)  (am not) in favor of the request.  
 (Circle One)  
**RECEIVED** Print Name DENNIS LONSDALE  
 APR 25 2008 Signature [Signature]

THINK, SPEAK AND WRITE.  
 John Adams, 1765  
 POWER OF THE LETTER BUREAU  
 poweroftheletter.com

COMMUNITY DEVELOPMENT DEPARTMENT Address 1720 EAST UNIVERSITY  
DES MOINES, IA 50316

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

I AM CONCERNED THAT  
ANOTHER AUTO REPAIR BUSINESS  
MAY LOWER THE PROPERTY VALUES.  
THE LAST TENANT THAT DID AUTO  
REPAIR ~~CAUSED DAMAGE~~  
ON THE NORTH SIDE OF THE BLDG

Item ZON2008-00050 Date 4-28-08

I (am)  (am not) in favor of the request.  
 (Circle One)  
**RECEIVED** Print Name Lafeta M. Romeo  
 APR 23 2008 Signature Lafeta M. Romeo

COMMUNITY DEVELOPMENT DEPARTMENT Address 1001 E 17th St.

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

It is a dangerous corner, you have  
problems seeing around all the  
parked cars and people when  
trying to get to the main street  
Thank you!

Item ZON 2008-00050 Date 4-22-08  
 DES MOINES IA 503  
 I (am)  (am not) in favor of the request.  
 (Circle One)  
**RECEIVED** APR 22 2008 PM 1:11  
 Power of the letter.com  
 JOHN ADAMS 1765  
 KEEL LEASING BU  
 Principal Name DENNIS LONSDALE  
 APR 25 2008 Signature [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT  
 Address 1720 EAST UNIVERSITY  
DES MOINES, IA 50316  
 Reason for opposing or approving this request may be listed below:

I AM CONCERNED THAT  
ANOTHER AUTO REPAIR BUSINESS  
MAY LOWER THE PROPERTY VALUES.  
THE LAST TENANT THAT DID AUTO  
REPAIR [REDACTED]  
ON THE NORTH SIDE OF THE BLDG.