

.....  
September 25, 2006

Date .....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2006, its members voted 13-0 for **APPROVAL** of a request from Mark Daggy (owner) to rezone a 15' x 160' piece of property located at 219 College Avenue from the "R-3" Multiple-Family Residential District to a Limited "M-1" Light Industrial District to allow for industrial development on a currently split-zoned parcel subject to the following conditions:

1. Provision of landscaping and buffer in accordance with the City's Landscaping Standards for the "C-2" District.
2. Compliance with all applicable Site Plan requirements.
3. Issuance of all necessary permits for construction, completion of all necessary inspections by Permit & Development Center staff and issuance of a Certificate of Occupancy for any building on the site.
4. Prohibition of the following uses:
  - a. Adult entertainment business;
  - b. Asphalt and concrete mixing and products manufacturing;
  - c. Coalyards, cokeyards or woodyards;
  - d. Off-premise advertising signs;
  - e. Package goods stores for the sale of alcoholic beverages;
  - f. Pawn shops, payroll and title loan institutions;
  - g. Taverns and nightclubs; and,
  - h. Vehicle display, hire, rental and sales, including used car sales lots.
5. Compliance with the following design standards for all future buildings:
  - a) At least 60% of the exterior facade facing College Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
  - b) Not more than 40% of the exterior facade facing College Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
  - c) The required materials used for the exterior facades facing College Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing College Avenue.

( continued )

17

.....  
September 25, 2006

**Date** .....

-2-

- d) No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.

The subject property is more specifically described as follows:

The East 15 Feet of Lot 7 Oakdale, an Official Plat, 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 and "PUD" conceptual plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on October 9, 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.

FORM APPROVED:

  
Roger K. Brown  
Assistant City Attorney

(ZON2006-00083)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
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

Request from Mark Daggy (owner) to rezone property located at 219 College Avenue.				File #	
				ZON2006-00083	
<b>Description of Action</b>	Rezone a 15' x 160' piece of land from "R-3" Multiple-Family Residential District to "M-1" Light Industrial District to allow for industrial development on a currently split-zoned parcel.				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Proposed Zoning District</b>	"M-1" Light Industrial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	2	2	0	<20%	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	<b>13-0</b>	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	X

Mark Daggy (Owner) - 219 College Avenue

ZON2006-00083





September 25, 2006

Date \_\_\_\_\_

Agenda Item 17

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 September 7, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 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			



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

**APPROVAL** of a request from Mark Daggy (owner) to amend the Des Moines' 2020 Community Character Plan future land use designation from Low/Medium Density Residential to General Industrial for property located at 219 College Avenue.

(21-2006-4.11)

By same motion and vote, members moved for **APPROVAL** of a request to rezone a 15' x 160' piece of the subject property from the "R-3" Multiple-Family Residential District to a Limited "M-1" Light Industrial District to allow for industrial development on a currently split-zoned parcel subject to the following conditions:

(ZON2006-00083)

1. Provision of landscaping and buffer in accordance with the City's Landscaping Standards for the "C-2" District.
2. Compliance with all applicable Site Plan requirements.
3. Issuance of all necessary permits for construction, completion of all necessary inspections by Permit & Development Center staff and issuance of a Certificate of Occupancy for any building on the site.

4. Prohibition of the following uses:
  - a. Adult entertainment business;
  - b. Asphalt and concrete mixing and products manufacturing;
  - c. Coalyards, cokeyards or woodyards;
  - d. Off-premise advertising signs;
  - e. Package goods stores for the sale of alcoholic beverages;
  - f. Pawn shops, payroll and title loan institutions;
  - g. Taverns and nightclubs; and,
  - h. Vehicle display, hire, rental and sales, including used car sales lots.
  
5. Compliance with the following design standards for all future buildings:
  - a) At least 60% of the exterior facade facing College Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
  - b) Not more than 40% of the exterior facade facing College Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
  - c) The required materials used for the exterior facades facing College Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing College Avenue.
  - d) No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.

Written Responses

2 In Favor

2 In Opposition

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

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends approval of the proposed amendment to the Des Moines' 2020 Community Character Plan from Low/Medium Density Residential to Industrial.

Part B) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

Part C) Staff recommends approval of the requested rezoning subject to the following modifications:

1. Provision of landscaping and buffer in accordance with the City's Landscaping Standards for the "C-2" District.
2. Compliance with all Site Plan requirements of the Permit and Development Center.
3. Issuance of all necessary permits for construction, completion of all necessary inspections by Permit & Development Center staff and issuance of a Certificate of Occupancy for any building on the site.
4. Prohibition of the following uses:
  - a. Adult entertainment business;
  - b. Asphalt and concrete mixing and products manufacturing;
  - c. Coalyards, cokeyards or woodyards;
  - d. Off-premise advertising signs;



- e. Package goods stores for the sale of alcoholic beverages;
  - f. Pawn shops, payroll and title loan institutions;
  - g. Taverns and nightclubs; and,
  - h. Vehicle display, hire, rental and sales, including used car sales lots.
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  - d. No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the western 15' of his site from "R-3" to "M-1". The remaining eastern portion of the site is zoned "M-1". The applicant intends to construct an 80' x 80' building for the storage of materials for his printing business. The applicant's business is headquartered at 1541 7<sup>th</sup> Street.

The submitted site sketch indicates the proposed building would be set back 75' from the south (front) property line, 5' from the north (rear) property line, 20' from the east (side) property line and 15' from the west (side) property line. The proposed rezoning would allow the applicant to use the western 15' of his property to meet the City's buffering requirements.

2. **Size of Site:** The entire site owned by the applicant measures 115' x 160' (18,400 sq. ft.). The requested rezoning is limited to the western 15' x 160' (2,400 sq. ft.) portion of the site.
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District and Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant lot.
5. **Adjacent Land Use and Zoning:**

**North** – "M-1" & "R-3", Uses are light industrial and single-family residential.

**South** – "R1-60", Uses are single-family residential.

**East** – "M-1", Use is a single-family dwelling.

**West** – "R-3", Uses are a vacant lot and an apartment building.

6. **General Neighborhood/Area Land Uses:** The subject site is located along the Second Avenue corridor, which consists of a mix of commercial and light industrial uses. The site is also located along the eastern edge of the River Bend Neighborhood, which primarily consists of a mix of residential uses.



7. **Applicable Recognized Neighborhood(s):** River Bend 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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Landscaping & Buffering:** The applicant will be required to meet the City's Landscaping and Buffering Standards when the site is developed. The "C-2" District standards apply to this property because it is within 200' of Second Avenue, which is a designated landscape corridor. These standards include the following:
  - a. A minimum 10'-wide bufferyard along the west and east property line with a 6'-tall 75% opaque fence or wall and 2 overstory trees and 6 evergreen shrubs per 100' lineal feet.
  - b. Open space equal to 20% of the site with 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.
  - c. A minimum 7'-wide parking lot perimeter strip along the south property line with 1 overstory tree and 3 shrubs per 50' lineal feet.
2. **Traffic/Street System:** The bulk of the applicant's property is zoned "M-1". The requested rezoning will not scientifically increase the intensity of development that can occur at this site. Staff believes that proposed rezoning will have no more impact on the street system than would the development of the currently "M-1" zoned portion of the site.
3. **Access/Parking:** The submitted site sketch indicates the site would be accessed by a pair of one-way drives off of College Avenue and would have two parking stalls at the east edge of the driveway/paved maneuvering area, which meets the City's Off-Street Parking Requirements.
4. **2020 Community Character Plan:** The City's Land Use Plan identifies the subject property as "Low/ Medium Density Residential." However, the majority of the applicant's property is zoned "M-1", which matches that land use designation of the Second Avenue corridor.
5. **Urban Design:** The subject property is at a transition point between residential uses to the west, and light industrial and commercial uses to the east. Staff believes that it is important that this property is well landscaped and that quality building materials are used when the site is developed. Staff recommends design standards similar to those used for tax abatement in the Central Place Business Park to the east be a condition of approval.
6. **Additional Information:** The applicant is currently storing materials in trailers illegally parked on a vacant lot at 1629 Maine Street. The applicant has indicated that the proposed building will replace the storage space provided by the trailers, facilitating their removal. The applicant was first cited for the trailers in June 2003.

## SUMMARY OF DISCUSSION

Jason VanEssen: Presented staff report and recommendation. Noted the applicant has submitted a site sketch that shows what they want to do on the site.

Mark Dagg, 1541 7<sup>th</sup> Street: Noted their intention is to place a paper warehouse in the location that would fit in the neighborhood. There will not be much traffic. There will have to be fire walls. Noted he is in agreement with staff comments and would like to put a brick facia on it and would like to have a lot of trees to hide it.

**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.

Motion passed 13-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Ludwig', is written above the typed name.

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment



Item ZON 2006-00083

Date \_\_\_\_\_

17

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

(Circle One)

RECEIVED

SEP 05 2006

Community Services Dept

Print Name George ~~Stish~~ Stish

Signature George Stish

Address 1546 2<sup>nd</sup> Pl.

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

Need to use vacant lots in this area so they do not become eyesores.

Item ZON 2006-00083

Date 8-29-06

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

(Circle One)

RECEIVED

AUG 31 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name John Doherty / Doherty's Flw

Signature John Doherty

Address 1536-2<sup>nd</sup> Ave

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

Empty lot - best used for something.

Item ZON 2006-00083

Date 9-5-06 17

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

RECEIVED

SEP 06 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Janette Johnston

Signature Janette Johnston

Address 288 College

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

I am NOT in favor of rezoning the residential  
land to allow for a business. This has been my  
home and residential neighborhood for 44 years,  
I'm not in favor of a business being built across  
the street from me and drawing more people  
and traffic in our neighborhood

Item ZON 2006-00083

Date 8-26-'06

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

RECEIVED

AUG 30 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Darrell Rockwell

Signature Darrell L. Rockwell

Address 1547 ARLINGTON Ave. 50314

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

I am opposed because it may cause more  
noise & additional traffic.  
Thanks.