

Date..... October 8, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 20, 2007, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from James Ellis (owner) to rezone property located at 6260 SE19th Street from "R1-80" One-Family Residential District to "C-2" General Retail and Highway Oriented Commercial District, to allow for redevelopment of the property for mini-warehouse use subject to the owner's agreement with the following conditions:

1. Prohibit the use of the property for adult entertainment businesses, vehicle display, taverns and nightclubs, off-premises advertising signs, and garages for general motor vehicle repair.
2. Require the following for any mini-warehouse use of the property:
 - a. All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
 - b. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - c. Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.
3. Limit use to mini-storage only, prohibiting outside storage.
4. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.

The subject property is more specifically described as follows:

Lot 42, except that part of Lot 42 lying south of a line commencing on the west Lot line, 30.8 feet north of the southwest corner of Lot 42, Thence running easterly to a point on the east Lot line of Lot 42, 28.3 feet north of the southeast corner, now comprising east Army Post Road, and Lot 43 except the south 28.23 feet and Lot 44 all in New Hope, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Continued)

★ Roll Call Number

Agenda Item Number

22

Date
October 8, 2007

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 October 22, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(ZON2007-00138)

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

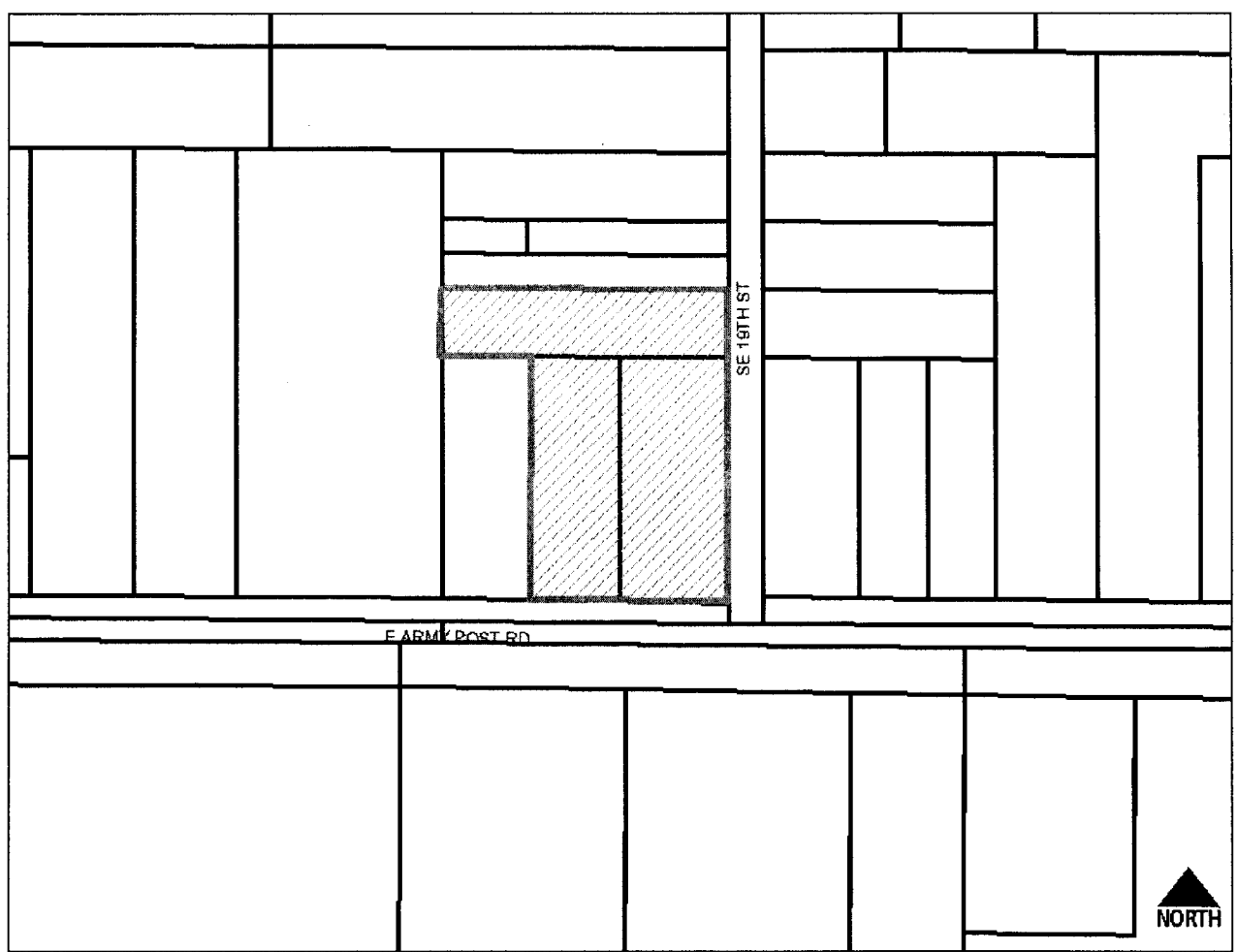
City Clerk

22

Request from James Ellis (owner) to rezone property located at 6260 SE19th Street.		File #		
		ZON2007-00138		
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District to allow use for a vehicle display lot for ATVs, mopeds, scooters, and related vehicles.			
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development			
Horizon 2025 Transportation Plan	Army Post Road from SE 14 th Street to SE 45 th Street to widen from 2 lane undivided to 4 lane undivided			
Current Zoning District	"R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	Limited "C-2" General Retail and Highway-Oriented Commercial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	4	0	<20%
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

James Ellis - 6260 SE 19th Street

ZON2007-00138



Date _____

Agenda Item 22

Roll Call # _____

October 8, 2007

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held September 20, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace	X			

APPROVAL of a request from James Ellis (owner) to rezone property located at 6260 SE19th Street from "R1-80" One-Family Residential District to "C-2" General Retail and Highway Oriented Commercial District, to allow for redevelopment of the property for mini-warehouse use subject to the owner's agreement with the following conditions: (ZON2007-00138)

1. Prohibit the use of the property for adult entertainment businesses, vehicle display, taverns and nightclubs, off-premises advertising signs, and garages for general motor vehicle repair.
2. Require the following for any mini-warehouse use of the property:
 - a. All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
 - b. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - c. Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.
3. Limit use to mini-storage only, prohibiting outside storage.
4. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.



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

0 In Favor

4 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning subject to the owner's agreement with the following conditions.

1. Prohibit the use of the property for adult entertainment businesses, vehicle display, taverns and nightclubs, off-premises advertising signs, and garages for general motor vehicle repair.
2. Require the following for any mini-warehouse use of the property:
 - b. All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
 - c. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - d. Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.

STAFF REPORT

1. **Purpose of Request:** The owner is seeking to rezone additional land to allow for development of a mini-warehouse complex for self-storage rental use.
2. **Size of Site:** 42,000 square feet (0.964 acres) proposed for rezoning. 3.347 acres (145,802 square feet) for the proposed site.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District (proposed for rezoning) and "C-2" General Retail and Highway Oriented Commercial District.
4. **Existing Land Use (site):** Vacant property (proposed for rezoning). The existing commercially zoned portion of the site has a bail bonds business on the western parcel and a single-family dwelling on the eastern parcel.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-80", Use is acreage with single-family dwelling.
 - South** – "C-2", Uses are Overturf Concrete Forms and a single-family dwelling.
 - East** – "R1-80" & "C-2", Uses are vacant land and Midwest Seamless Vinyl.
 - West** – "C-2", Uses are Budget Storage mini-warehousing and a vacant retail building (formerly a night club).
6. **General Neighborhood/Area Land Uses:** The subject property is located along the East Army Post Road highway commercial corridor where it transitions from commercial to acreage lot residential.

7. **Applicable Recognized Neighborhood(s):** Easter Lake Area Neighborhood Association.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Community Commercial.
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. **Drainage/Grading:** The subject property drains toward a natural drainage way to the north. All development will be required to adhere to storm water management requirements for detention and grading permit requirements to prevent soil erosion. This will help protect properties downstream to the north. Based on the proposed size of the site, a Storm Water Pollution Prevention Plan is also required to be submitted to the Iowa DNR.
2. **Utilities:** There are no public sanitary sewers within approximately 2000 feet or storm sewer sewers available within approximately 2500 feet of the subject property.
3. **Landscaping & Buffering:** Any development will require landscaping in accordance with the Des Moines Landscape Standards as applicable to "C-2" District. This would require provision of at least 20% open space. In this instance, a significant bufferyard planting and screening will be required along the north lot line to protect existing residential uses. Also, 10' wide perimeter lot setbacks with landscaping will be required along SE 19th Street and East Army Post Road.
4. **Access or Parking:** The developer will have the ability to access the property from both Army Post Road and SE 19th Street. Access is required to be controlled for mini-warehousing use. Off-street parking numbers will be based on one space per ten storage units distributed throughout the storage area, plus one space for any caretakers quarters, plus five spaces located near the project office for use by prospective customers.
5. **2020 Community Character Plan:** The proposed zoning request for "C-2" is compatible with the Community Commercial future land use designation. There are uses permitted in the "C-2" District that staff would find not compatible with adjoining residential uses, such as adult entertainment businesses, vehicle display, taverns and nightclubs, off-premises advertising signs, garages for general motor vehicle repair.
6. **Urban Design:** Staff believes that the visual appearance of mini-warehouse projects is important to the surrounding neighborhood. The functional nature of the structures and their need to be arranged for easy access can easily become plain and repetitive, making them less attractive to their context. Staff recommends that all walls facing external to the site have a quality stone, masonry, or brick material. No storage access doors should be oriented toward the public street or adjoining residential development. Other than the required bufferyard screening, fencing surrounding the subject property should be, 75% open, dark coated, and should be broken up by columns that match the masonry or stone material on the buildings.

7. Mini-Warehouse Requirements: Mini-warehousing requires buildings to be separated by at least 10 feet and no more than 25' in height. No building should have a dimension greater than 150 feet. The complex must have a fenced compound with controlled access. No business activities other than storage are permitted, with the exception of a caretakers quarter and rental office.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Dann Flaherty: Asked why they weren't told they could only use the storage type uses under C-2. Expressed concern that gas stations and other uses are not being restricted.

Erik Lundy: Explained the C-2 zoning district specifically allows storage outside industrial zones as the mini-warehouse development use. Indicated it would be up to the Commission to recommend. Noted the Budget storage to the west has brick along all their buildings with the exception of the doors, and the site has wrought iron-type fencing.

James Ellis, 3607 SW 34th Place, Des Moines: Available to answer questions. Noted his units would be larger than the storage to the west. Planned to target a larger area per bay; larger than mini-storage. His units would be more of a commercial suite.

Bruce Heilman: Asked what the current use of the two existing buildings are.

James Ellis: Noted one is his office and the other is a single-family rental home.

Bruce Heilman: Asked about bringing the two buildings to the north down within the existing C-2 zoning area to get them away from the other R1-80 area.

James Ellis: Explained doing that would mean losing trees. Indicated with the proposed plan the trees would stay and he noted the City wants all trees to buffer the residential in the rear of the subject site.

Dann Flaherty: Asked if he was willing to restrict the C-2 to storage units only.

James Ellis: Indicated he would be amenable to storage units only.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in favor.

The following individuals spoke in opposition:

Randy Gillispie, 6200 SE 4th Street: Owns property at 6190 SE 19th. His son lives next door at 6220 SE 19th. He noted he is not really opposed, but is concerned about water runoff. He knew there would be a retention pond, but noted their yards are being washed out by water from a prior bar use to the west.

Rick Weaver, 6240 SE 19th Street: Recently purchased the property. He expressed concern for traffic. Was not opposed to the storage, but was worried about privacy and the water. Noted he has some trees there, but he would like to have a brick fence there.

Marc Wallace: Asked if he saw the developer's plan and how they plan to address the water issues.

Mike Ludwig: Noted that a fence is required along the north lot line.

Jim Martin: Asked about the curbing.

Rick Weaver: Indicated there is no curb there, it is only a ditch.

Dann Flaherty: Asked about the drainage.

Mike Ludwig: Indicated the developer would be required to submit a storm water management plan as part of the site plan for the project. A special note could be made by staff to look at the drainage as it is leaving the site and note that there have been issues communicated to staff at the meeting.

Erik Lundy: Indicated the developer would be required to detain and they can only release into the natural drainage way. There is no storm sewer in the area so they cannot pipe to it, but they will have to release at a rate that is allowable under the storm water management policies into the natural drainage way. They will likely be able to correct the problem that was generated by surfacing the lot.

Bruce Heilman: Asked the applicant if he was aware that there was some tree refuse buried on the property.

James Ellis: Indicated he did not know of any tree disposal on the site.

Rick Weaver: Indicated it is not buried, it is only laying there.

Bruce Heilman: Asked if he was aware of the drainage runoff that is channeled to the adjacent back yards and if he had a specific plan that would address the problem.

James Ellis: Noted an area has been reserved for retention at the northwest.

Erik Lundy: Noted Mr. Ellis could redirect the water running off the bar property, but he is not responsible for it.

James Ellis: Was happy to send his water to the natural water way. His engineer is addressing the problem.

Erik Lundy: Noted the applicant would be required to release from his property at a rate that is acceptable.

Brian Millard: Expressed concern that the tree refuse has changed the waterway in the area by illegal dumping of wood and burying it with dirt. Asked what can be done about it.

Larry Hulse: Noted staff could look into the problem.

Leisha Barcus: Asked about the lighting and the effect it could have on residential properties.

Erik Lundy: Noted at site plan review the applicant will be required to demonstrate that their lighting plan would not spill light directly onto adjoining residential properties. All their fixtures will have to be downward directed or shielded. They cannot have wall-mounted packs that will shine towards the residential district.

Leisha Barcus: Asked about restricting the use to storage only.

Erik Lundy: Noted the Chairman suggested the Commission ask the owner to agree to a condition that would allow the only C-2 use under the zoning to be the mini-warehousing, which the applicant agreed to. It would be restricted to this piece of property.

CHAIRPERSON CLOSED THE PUBLIC HEARING

David Cupp: Moved staff recommendation with a condition that the use be limited to mini-storage only and that it prohibit outside storage; all storage to be inside.

Erik Lundy: Noted C-2 does not allow outdoor storage.

Leisha Barcus: Offered a friendly amendment that there be no lights on the north side.

David Cupp: Explained most mini-storage lighting is low level and is surface-mounted on the one-story buildings. Restricting lighting off one side of the building breeds problems for mini-storage.

Larry Hulse: Indicated the wording would be so it doesn't glare onto adjacent properties; to use down-lit shielded lighting so they can have security lighting on the property but not cast light negatively onto other properties.

David Cupp: Accepted that as a friendly amendment.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

22

CONCEPT DRAWING
**ELLIS
STORAGE FACILITY**
SHEET 1 OF 1

OWNER/DEVELOPER

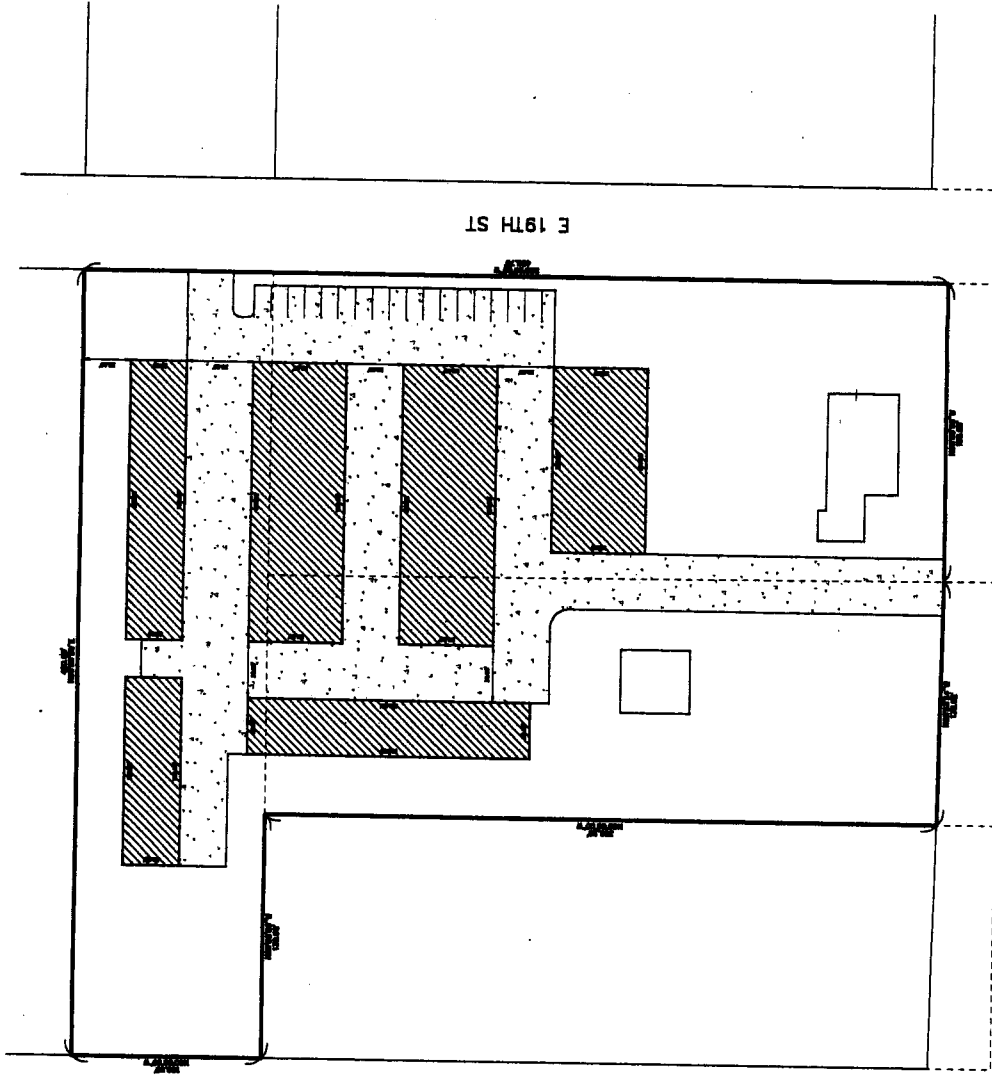
ELLIS INDUSTRIAL PLACE
PO BOX 1010
LITTLE ROCK, AR 72202

ZONING

ST-92, PAR. C-2

LEGAL DESCRIPTION

THE PART OF THE TRACT OF LAND MORE OR LESS AS SHOWN ON THE WEST HALF OF SECTION 36, TOWNSHIP 18N, RANGE 11E, COUNTY OF CLAY, STATE OF MISSISSIPPI, AS SHOWN ON THE ORIGINAL PLAT THEREOF, WITH ALL THEREON, WITHIN THE CITY OF LITTLE ROCK, MISSISSIPPI.



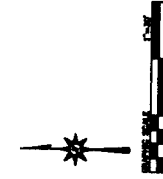
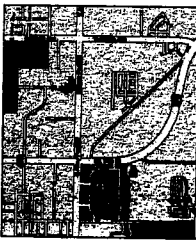
E ARMY POST RD

E 197TH ST

PRELIMINARY PLAT LEGEND

P & R LAND PLANNING INC
10000 Westside Dr. Suite 100
Little Rock, AR 72211
Phone (501) 481-8880 Fax (501) 481-8887
PROJECT # 2002002

VICINITY SKETCH



22

Item 2007 00138

Date 9-14-07

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

RECEIVED

SEP 18 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Craig Scott + Vanessa Scott

Signature *Vanessa Scott*

Address 6160 SE 19th St

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

Elevated traffic levels in residential area
with many small children. Elevated noise in
residential area.

Item 2007 00138

Date 9-12-2007

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

RECEIVED

SEP 17 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name WILLIAM JINKS / J.H., LLC

Signature *William Jinks*, PRES.

Address 1800 E. ARMY POST RD.

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

Item 2007 00138

Date 9-13-07 22

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

RECEIVED ✓

Print Name JOHN D. SORENSON

SEP 13 2007

Signature John D. Sorenson

COMMUNITY DEVELOPMENT DEPARTMENT

Address 6155 S.E. 19th
DES MOINES, IA 50320

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

NOT IN FAVOR FOR FOLLOWING REASONS:

- LOWER PROPERTY VALUES FOR HOMES ON SE 19th
- NO GUARANTEE THE 2 PROPOSED METAL BUILDINGS WILL BE USED FOR STORAGE
- LIGHTS AT NIGHT - NOISE LEVELS - TRAFFIC ON SE 19th
- SE 19th IS NARROW NO PARKING STREET - DO NOT NEED ADDITIONAL TRAFFIC + PARKED CARS
- SE 19th HAS PUT UP WITH BAR NEXT TO THIS PROPERTY W/ NOISE AT ALL HOURS, SHOOTING, CARS ETC. WE (ALL OF US) DO NOT NEED FURTHER PROBLEMS.

Item 2007 00138

Date 9-12-07

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

RECEIVED ✓

Print Name Joyce H. Hayes

SEP 13 2007

Signature Joyce H. Hayes

COMMUNITY DEVELOPMENT DEPARTMENT

Address 6195 S.E. 19th St., W.M., Ia

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

~~FOR~~ FOR REASONS FOLLOWING 4

1. It will devalue property
2. NOISE
3. Will NOT know what business is going in there
4. Will INCREASE TRAFFIC