

Date..... October 8, 2007

WHEREAS, on September 22, 2007, by Roll Call No. 07-1841, it was duly resolved by the City Council, that a public hearing to be held on October 8, 2007, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from John Williams to amend the approved Airport Commerce Park West "PUD" Conceptual Plan for the property he owns in the vicinity of 3700 SW 61st Street, to allow automobile body and fender repair shop and garage for general motor vehicle repair as permitted uses; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on September 27, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved "PUD" Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved "PUD" Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved "PUD" Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved "PUD" Conceptual Plan for the property in the vicinity of 3700 SW 61st Street are hereby overruled and the hearing is closed.

2. The proposed amended "PUD" Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The amended "PUD" Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to approval of such amendments by the Community Development Director:

- a) The amended plan must identify that automobile body and fender repair shop and garage for general motor vehicle repair shall be permitted uses only on Lot 5, Airport Commerce Park West Plat 1.

(continued)

Date October 8, 2007

- b) The amended plan for the said Lot 5 must be submitted for filing with the Community Development Department.
- c) Any future development on the said Lot 5 will be subject to review and approval of a "PUD" Development Plan by the Community Development Department.
- d) No damaged vehicles shall be parked or stored outside the screened area.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\Airport CPW.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

.....
Mayor

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.

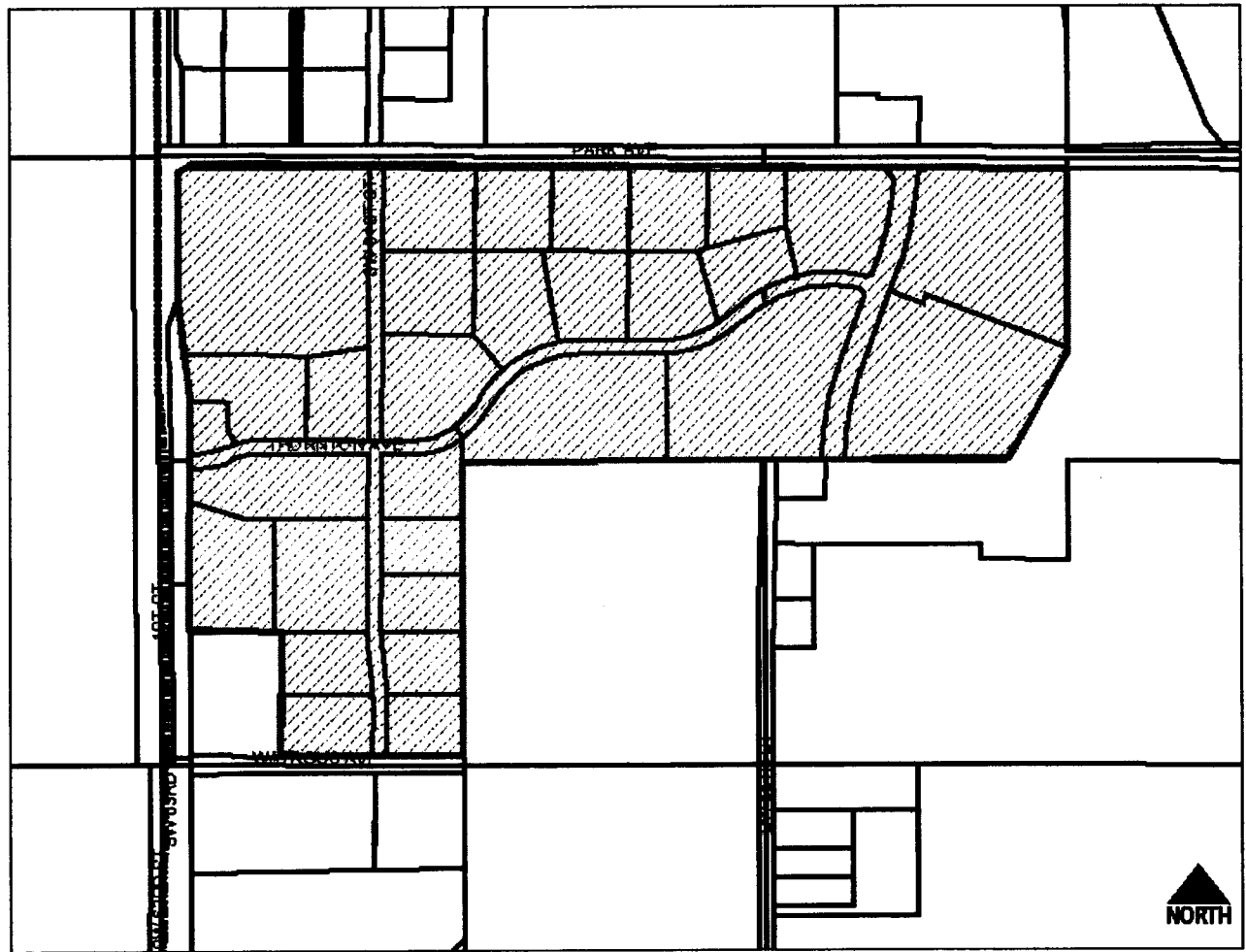
City Clerk

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|--|---|-------------------------|--|--------------|
| Request from John Williams (owner), 3700 SW 61 st Street, to amend the Airport Commerce Park West PUD Conceptual plan | | File # ZON2007-00139 | | |
| Description of Action | Amend the Airport Commerce Park West PUD Conceptual plan to allow for automobile body and fender repair shop and garage for general motor vehicle repair as permitted uses. | | | |
| 2020 Community Character Plan | Planned Business Park. | | | |
| Horizon 2025 Transportation Plan | No Planned Improvements. | | | |
| Current Zoning District | "PUD" Planned Unit Development. | | | |
| Proposed Zoning District | "PUD" Planned Unit Development. | | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined | % Opposition |
| Inside Area | | | | |
| Outside Area | 3 | 1 | 0 | <20% |
| Plan and Zoning Commission Action | Approval | 10-2 | Required 6/7 Vote of the City Council | Yes |
| | Denial | | | No |

John Williams - 3700 SW 61st Street

ZON2007-00139



September 24, 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 10-2 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| David Cupp | X | | | |
| Shirley Daniels | | | | X |
| Dann Flaherty | | X | | |
| Bruce Heilman | X | | | |
| Jeffrey Johannsen | | | | X |
| Greg Jones | X | | | |
| Frances Koontz | | | | X |
| Kaye Lozier | X | | | |
| 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 John Williams (owner), 3700 SW 61st Street, to amend the Airport Commerce Park West PUD Conceptual plan to allow for automobile body and fender repair shop and garage for general motor vehicle repair as permitted uses, subject to the following conditions: (ZON2007-00139)

1. Automobile body and fender repair shop and garage for general motor vehicle repair shall be permitted uses for Lot 5 only.
2. The amended PUD Conceptual Plan for Airport Commerce Park West is submitted for filing with the Community Development Department.
3. Any future development on the site would be subject to review and approval of a PUD Development Plan by the Permit and Development Center.
4. No damaged vehicles be parked or stored outside the screened area.

Written Responses

3 In Favor
1 In Opposition

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



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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested amendment of the Concept Plan subject to the following conditions:

1. Automobile body and fender repair shop and garage for general motor vehicle repair shall be permitted uses for Lot 5 only.
2. The amended PUD Conceptual Plan for Airport Commerce Park West is submitted for filing with the Community Development Department.
3. Any future development on the site would be subject to review and approval of a PUD Development Plan by the Permit and Development Center.

STAFF REPORT

1. **Purpose of Request:** The applicant is seeking to amend the Airport Commerce Park West PUD Conceptual Plan to in order to allow a 2-acre parcel (Lot 5) to be used for automobile body and fender repair shop and garage for general motor vehicle repair. Any future development on the site would be subject to review and approval of a PUD Development Plan by City Staff.

The applicant originally also sought to amend bulk regulations to allow "Lot 5" to have less than 1 acre of area and less than 200' of lot width. The applicant has since withdrawn this request.

2. **Size of Site:** 2 acres for Lot 5. Overall PUD is 109.5 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development, Airport Commerce Park West Conceptual Plan.
4. **Existing Land Use (site):** Undeveloped parcel.
5. **Adjacent Land Use and Zoning Surrounding "Lot 5":**

North – "PUD", Use is a 1-story flex space structure with a mix of office and warehouse uses.

South – "PUD", Use is an undeveloped parcel.

East – "PUD", Use is a 1-story flex space structure with a mix of office and warehouse uses.

West – "PBP", Use is Grace Label's office and warehouse.

6. **General Neighborhood/Area Land Uses:** The subject property is within a commercial business park located immediately east of the SW 63rd Street/ Iowa Highway 28 corridor.
7. **Applicable Recognized Neighborhood(s):** Southwestern Hills Neighborhood Association.
8. **Relevant Zoning History:** The subject property was zoned to "PUD" on March 3, 1997, for "Airport Commerce Park West".
9. **2020 Community Character Land Use Plan Designation:** Planned Business Park.
10. **Applicable Regulations:** Section 134-700 of the City Code states that any change in a conceptual plan proposed after the City Council has approved the plan pursuant to Division 13

shall be resubmitted in the same manner as the original concept plan. Any such change, except an insubstantial change shall be considered in the same manner as the original conceptual plan. The Plan and Zoning Commission shall review and make recommendation to the City Council regarding the Concept Plan amendment.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Drainage/Grading:** The developer is responsible for compliance with all stormwater management requirements to be reviewed at the development plan stage.
- 2. Urban Design:** The existing PUD Concept Plan states that all buildings shall be designed to ensure their individual attractiveness, compatibility with each other and the with the Airport Commerce Park West environment. Buildings must be constructed of permanent materials such as brick, architectural precast panels, tilt-up concrete panels, stone, and glass. All building and site plans must be approved by the Airport Commerce Park, L.C. Architectural Review Committee. The PUD Concept Plan also includes a provision that loading docks, trash containers, storage areas, and other service areas shall be integrated into the overall architecture of the site by either being fully enclosed or architecturally screened from public view.
- 3. Additional Information:** Staff believes that the proposed uses of automobile body and fender repair shop and garage for general motor vehicle repair are appropriate for the business park since the PUD Conceptual Plan includes architectural and landscaping requirements that would ensure the use is integrated into the business park. Furthermore, the site is located away from any residential uses so any noise generated by the use would not be detrimental to any homes.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation. Noted the zoning amendment to the PUD Concept Plan only applies to Lot 5 within the PUD. Explained the applicant is proposing two access drives off SW 61st Street. There would be parking in front and on the south side of the building and a fenced privacy screen around an area on the west side of the building that could be used for vehicle storage. Owners of the business park are in support of the request.

Tim Urban: Noted it was important to understand the relationship of the subject building elevations to adjoining uses.

Mike Ludwig: Indicated there is a building between the proposed lot and 63rd Street so the rear of the building and the storage area will be screened from view of SW 63rd Street. To the north is the end of the building and their parking lots. The applicant is proposing evergreen plantings along the north property line so there is adequate buffering and separation between the north side of the subject property. Across the street and to the north are existing industrial use.

Tim Urban: Asked what the architectural character of the buildings on the east side of 61st both to the north and to the south.

Mike Ludwig: Noted they are very similar in character. There is an architectural review committee for the industrial park that has to approve every building that goes into the park. The subject property building will be subject to that review and approval as well. The applicant must submit a final development plan for administrative review. The applicant is showing the conceptual landscape plan and they are not required to indicate species at this time. Ultimately they will have to meet all the buffering and landscaping requirements as specified on the PUD Concept Plan.

Tim Urban: Asked where the 8' fence would be.

Mike Ludwig: Noted it would be around the back and the trash enclosure will be located inside the screened fence as well.

David Cupp: Feared creating another scrap yard with the large fenced-in area.

Mike Ludwig: Explained through the restrictive covenants on the industrial park there would be significant regulation to prevent a scrap yard.

Dann Flaherty: Expressed concern for the east and south of the property, indicating it appeared to be drainage way area and asked where it drains and if it would potentially drain to the Raccoon River. He asked what provisions there would be to protect against heavy metals and other things from entering the waterways.

Mike Ludwig: Explained they will be subject to the City's stormwater management policies and now there will soon be an ordinance regulating Post-Construction runoff. Activities would be occurring inside the building on the subject site so there is no expectation of it being a concern.

Marc Wallace: Asked if there is anything that prevents cars from needing repair from being out in the display areas.

Mike Ludwig: Indicated one of the limitations was that they have to provide a screened area in the back for any outdoor storage of inoperable vehicles waiting for repair.

Tim Urban: Asked if any vehicle that is damaged that comes to the property would have to be parked in the fenced in area in the rear of the property.

Mike Ludwig: Indicated that is what is shown on their site plan.

David Wetsch, 974 73rd Street, Suite 20, Des Moines: Indicated the applicant has been in their present location since 1936. They cater to specific types of motor vehicles, which are higher-end vehicles. They are generally stored inside and it would be rare there would be any vehicles stored outside on the lot anywhere. It is a clean operation and their intent is to maintain the high degree of operation and appearance.

David Cupp: Asked if the architect was available.

Will Worthington, Worthington Works, Project Architect, 901 Thomas Beck Road, Des Moines:

David Cupp: Asked if there was a sewer system put in place or water catch system for runoff from any damaged vehicles in the outside storage area.

Will Worthington: Indicated they do not yet have those details, but are working with a civil engineering consultant, who did the entire development at the subject site.

David Cupp: Asked about running the drainage water through the oil separator before it is discharged.

Will Worthington: Indicated he was not aware, but it was a good question.

Mike Ludwig: Noted storm water is normally not run through the sanitary sewer system, which is what the filters would be connected to.

Kent Govern: Noted the idea is to separate storm and sanitary sewers. He suggested to provide a system that would put rainwater into a separator would be adverse to current Federal regulations.

Bruce Heilman: Asked if all the outside paving is necessary since they have limited outdoor storage, or if it is an area that could have more green space and not affect the functioning of the business.

David Wetsch: Explained Knapp Properties and Farm Bureau are in a joint venture for the subject project. They will be going to their committee Monday morning, September 24, 2007 and that is one item they will be considering at that time. Tentatively, Tim Dreyer has indicated as part of their criteria for approvals, there will be substantial limitations on any type of outside storage. He noted his experience has been that sometimes the privacy fence creates a greater problem for theft than not having the fence. The applicant will abide by the City and Knapp Property requirements, but they would prefer not to have that or have it substantially limited.

Brian Millard: Asked how the subject site was chosen.

David Wetsch: Explained the clientele consists of several major insurance companies in the downtown area and nearby locations, thus the applicant tried to stay on major thoroughfares so customers could readily find the location.

Tim Urban: Asked about conditions on the rezoning to require no damaged automobiles be parked for any length of time on the front or side yard areas outside the screened in areas if they would have a problem with that.

David Wetsch: Indicated that would not be a problem.

Tim Urban: Asked if the applicant had dealt with the problem about how waste fluids from vehicles could be collected and diverted away from the storm water drainage system.

David Wetsch: Explained the damaged vehicles are immediately placed inside the structure and any discharge would be run through the drains.

Tim Urban: Asked how to create a restriction that would guarantee to the public that vehicles that have leaking fluids would be put in a place where the runoff could go into the separators and not in the City's storm system.

Mike Ludwig: Explained most of the damaged fluids will likely be found where the accident occurs. By the time it gets to this facility the vehicles would either be empty or they would be emptied inside the building. Noted they are required to have mechanisms to capture and contain fluids and dispose of them properly. Comparing the facility to a parking lot is probably more similar and he did not know of any special standards that could be recommended.

Roger Brown: Indicated the site plan is very conceptual and the property has already been zoned PUD and the conceptual development plan has already been approved, which set the parameters of what is allowed to be developed there and have already set the landscape requirements, etc. What the applicants have asked for is to amend one element of the existing PUD Conceptual Plan, which at the time it was drafted specifically prevented the subject use. The applicants are asking for an amendment to the existing plan to remove the prohibition against auto repair as an allowed use on Lot 5.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Bruce Heilman: Moved staff recommendation.

Tim Urban: Offered a friendly amendment that the damaged vehicles not be allowed in the area outside of the enclosed storage area for longer than a two or three hour period of time or some sort of restriction.

Mike Ludwig: Suggested "no damaged vehicle should be parked or stored outside the screened area."

Tim Urban: Offered a friendly amendment that PUD rezoning be contingent upon their providing with the PUD a mitigation plan for the collection and disposal of fluids from damaged vehicles.

Bruce Heilman: Accepted the first amendment but felt the second amendment was not necessary because the work would be inside the building.

Tim Urban: Explained he wanted to see a plan that requires vehicles be taken into the enclosed area of the building where there is a system to catch the fluids instead of letting them sit outside where they could directly leak into the storm sewer system.

Bruce Heilman: Resisted the second amendment.

Tim Urban: Asked for a separate vote on the second amendment.

Brian Millard: Expressed concern that there are sites throughout the city that are zoned appropriately for auto repair; he could not support changing the park to allow an auto repair use.

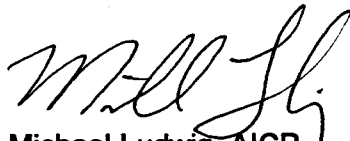
Dann Flaherty: Called the question relative to the second amendment.

Tim Urban: Reiterated the amendment that as a condition of rezoning they have to provide a mitigation plan regarding how leaking fluids would be kept out of the storm sewer system.

Motion failed 6-6. Greg Jones, Leisha Barcus, Mike Simonson, Kaye Lozier, Kent Sovern, Bruce Heilman were in opposition. Brian Millard, Dann Flaherty, Tim Urban, Marc Wallace, Dave Cupp & Jim Martin were in favor.

Motion to approve the staff recommendation with the amendment that there be no outside storage of damaged vehicles passed 10-2 (Dann Flaherty & Brian Millard opposed).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment



RKB
SEP 25 2007

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RECEIVED

SEP 18 2007

**COMMUNITY DEVELOPMENT
DEPARTMENT**

September 17, 2007

Erik M. Lundy, AICP
Senior City Planner
Community Development Department
City of Des Moines, Iowa
602 Robert D. Ray Drive
Des Moines IA 50309



RE: ZON2007-00139

Dear Mr. Lundy:

We are in support of the Request from John Williams (owner), 3700 SW 61st Street, to amend the Airport Commerce Park West PUD Conceptual Plan to allow an auto body and garage use for general motor vehicle repair with the understanding that the two acre minimum lot size be maintained and provided that a buffer be constructed between this use and the surrounding properties.

Sincerely,

A handwritten signature in black ink that reads 'Gerard D. Neugent'. The signature is written in a cursive style with a large, looped 'G'.

Gerard D. Neugent
Manager

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Item 2007 00139

Date 9-12-07

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

RECEIVED

Print Name GENE LOFFREDO

SEP 14 2007

Signature Gene Loffredo

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 4001 SW 63rd St

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

Item 2007 00139

Date Sept 13, 07

I (am) in favor of the request.

(Circle One)

RECEIVED

✓ SEP 17 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

Signature

Address

Richard S. Toon

Richard S. Toon

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

This is a marked change from the original zoning. If approved the zoning change would decrease my value of my property. 3800 SW 56