

Date October 22, 2007

WHEREAS, on October 8, 2007, by Roll Call No. 07-1941, it was duly resolved by the City Council that the application of James Ellis to rezone certain property he owns in the vicinity of 6260 SE 19th Street, more fully described below, be set down for hearing on October 22, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on October 11, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Lot 42, except that part of Lot 42 lying South of a line commencing on the West line of said Lot 42 at a point 30.8 feet North of the Southwest corner of said Lot 42, and extending to a point on the East line of said Lot 42 located 28.3 feet North of the Southeast corner of said Lot 42, now comprising a part of E. Army Post Road; 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 (hereinafter referred to as the "Property").

from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. The following uses of structures and land shall be prohibited upon the Property:
  - (1) Adult entertainment businesses;
  - (2) Vehicle display lots and used car sales lots;
  - (3) Taverns and nightclubs;
  - (4) Off-premises advertising signs; and,
  - (5) Garages for general motor vehicle repair
  
- B. The following standards shall apply to any use of the Property for mini-warehouse use:
  - (1) All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
  - (2) No storage access doors shall be oriented toward a public street or any adjoining residential development.

Date October 22, 2007

- (3) 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.
- (4) The use of the Property shall be limited to mini-warehouse use and outside storage shall be prohibited.

C. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.

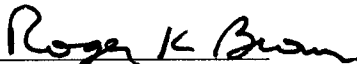
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-2" General Retail and Highway Oriented Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney  
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\Ellis.doc

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

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 19<sup>th</sup> 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 19<sup>th</sup> 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 34<sup>th</sup> 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 4<sup>th</sup> Street: Owns property at 6190 SE 19<sup>th</sup>. His son lives next door at 6220 SE 19<sup>th</sup>. 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 19<sup>th</sup> 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



Item 2007 00138

Date 9-13-07 49

I (  )  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 SE. 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. (W/OUT OF US) DO NOT NEED FURTHER PROBLEMS.

Item 2007 00138

Date 9-12-07

I (  )  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:

~~IT IS~~ FOR REASONS FOLLOWING

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

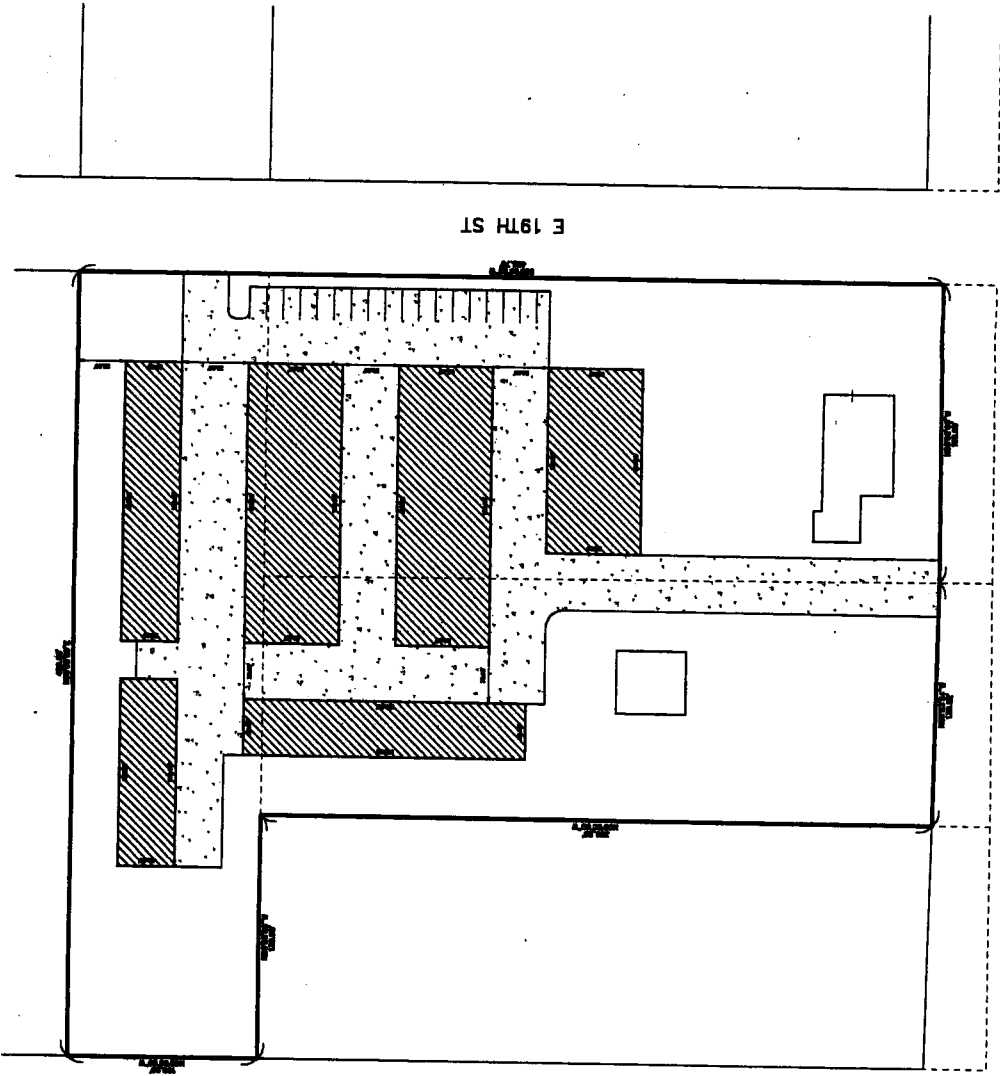
CONCEPT DRAWING  
ELLIS  
STORAGE FACILITY  
SHEET 1 OF 1

**OWNER/DEVELOPER**  
P & R LAND PLANNING INC.  
10000 W. 10TH AVE.  
DENVER, CO 80201

**ZONING**  
R-100 AND R-1

**LEGAL DESCRIPTION**

LOT 10, WEST PART OF THE 10TH EIGHTH OF A LIRE CONVEYANCE ON THE WEST SIDE OF THE 10TH AVENUE AND THE EAST LINE OF THE 10TH AVENUE, CITY OF DENVER, COLORADO, AS SHOWN ON THE PLAT OF THE 10TH AVENUE, PLAT NO. 100,000, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DENVER, COLORADO, ON 08/14/2007.



VICINITY SKETCH



PRELIMINARY PLAT LEGEND



**P & R LAND PLANNING INC.**  
10000 W. 10TH AVE.  
DENVER, CO 80201  
PROJECT # 100000

