

.....
Date..... September 13, 2010

WHEREAS, on August 23, 2010 by Roll Call No. 10-1368, it was duly resolved by the City Council of the City of Des Moines that it consider a proposal from Hickman Storage, LLC to rezone certain property located at 2504 Westover Boulevard, more fully described as follows:

North 25 Feet, East 280 Feet, Lot 10, Westover, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R1-60 One-Family Low-Density Residential District to the C-2 General Retail and Highway Oriental Commercial District classification to allow the property to serve as an ingress/egress with limited access for emergency and larger delivery/moving trucks only to a miniwarehouse facility within the adjoining jurisdiction of Urbandale to the west; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on September 2, 2010, 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, on August 5, 2010 the Plan and Zoning Commission voted 8-0 with one abstention in support of a motion to recommend that the proposed rezoning and the corresponding amendment to the comprehensive plan be denied.

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 are hereby accepted and the hearing is closed.

2. The City Council hereby makes the following findings of fact regarding the proposed rezoning:

a. The proposed rezoning is not in conformance with the Des Moines 2020 Community Character Land Use Plan. Approval of the rezoning would require an amendment to the Plan.

September 13, 2010
Date

b. Rezoning the property to the commercial use requested by applicant is not in conformance with the predominant character of the area in which the property is located.

c. If the application of the existing zoning regulations has the effect of denying the owner any economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

3. The proposed rezoning of the property described above to the C-2 General Retail and Highway Oriented Commercial District classification is hereby DENIED.

Moved by _____ to adopt and deny the proposed rezoning.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

August 10, 2010

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 August 5, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty				X
Joel Huston				X
Ted Irvine			X	
Greg Jones	X			
Jim Martin				X
Brian Millard				X
William Page	X			
Mike Simonson	X			
Kent Sovern	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 finding that the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan; and **deny** the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development; and **deny** the requested rezoning to "C-2" General Retail and Highway Oriented Commercial District. ZON2010-00225 & 21-2010-4.11

Written Responses

4 In Favor
10 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends denial of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

Part C) Staff recommends denial of the requested rezoning to "C-2" General Retail and Highway Oriented Commercial District.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone property to facilitate commercial development for a miniwarehouse facility on the adjoining property within the City of Urbandale.
2. **Size of Site:** The subject property of the rezoning is 7,000 square feet (25 feet by 280 feet). The adjoining property in Urbandale proposed for commercial redevelopment is 5.4 acres.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The property consists of a semi-improved driveway flanked by open chainlink fencing.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family residential dwellings.
 - South* – "R1-60", Uses are single-family residential dwellings.
 - East* – "R1-60", Uses are single-family residential dwellings.
 - West* – "R-3" Low-Density Multiple Family District (Urbandale), Use is vacant land.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a predominantly low density residential neighborhood north of Hickman Road where it transitions to highway commercial uses.
7. **Applicable Recognized Neighborhood(s):** Merle Hay Neighborhood Association.
8. **Relevant Zoning History:** The City of Urbandale has a pending request for commercial zoning on property to the west. On April 26, 2010 the Planning and Zoning Commission for Urbandale recommended approval of a rezoning from "C-N" Neighborhood Convenience District and "R-3" Low Density Multiple-family District to "P.U.D." Planned Unit Development District for a self storage development on the applicant's adjoining property to the west. The recommendation did not include the approval of access through the subject property. This has not been acted on to date by the Urbandale City Council at the request of the owner.
9. **2020 Community Character Land Use Plan Designation:** Low 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. **Landscaping & Buffering:** Landscaping would be required as applicable to "C-2" Districts. This would primarily include a bufferyard screening and planting requirement on both sides of any proposed ingress/egress driveway as part of a necessary Site Plan. In this instance any driveway would need to be setback 10 feet from the property lines to the north and the south to

meet "R" District protection requirements in Section 134-952 of the City Code. Any reduction of these setbacks would require relief granted by the Board of Adjustment.

2. **Access or Parking:** Access from Commercial Zoning Districts is required to be reviewed as part of an administrative Site Plan process. Two-way access requires a 20-foot wide paved driveway, whereas a one-way access would require only a 10-foot wide paved driveway in accordance with Section 134-1377(f)(1)(b) of the City Code. Any reduction in these widths would require relief granted by the Board of Adjustment.
3. **Applicant Proposed Use Limitations:** The submitted application indicates that the owner would agree to limit the use of the property to be used only for occasional egress for delivery/rental trucks and towed vehicles and will be available for ingress/egress by emergency vehicles. The owner would install an electronic coded access gate as close as permitted to the Westover Boulevard drive approach.
4. **Des Moines' 2020 Community Character Plan:** The future land use designation for the subject property is currently Low Density Residential and would therefore require amendment to the Commercial: Auto-Oriented Small-Scale Strip Development design to allow for the proposed rezoning. The Merle Hay Neighborhood Plan was adopted as an element of the Des Moines Community Character Plan in October 2008. The plan does not contemplate enhancing or expanding commercial use in this area.
5. **Staff Rationale:** Staff believes that a drive outlet from a commercially used site should not be allowed unless it is necessary to make access work for feasible use of the site. Recently a similar rezoning for access onto a residential street east of Merle Hay Road and north of Douglas Avenue was supported by staff. In that instance it was demonstrated that site access would be limited by medians in the intersection and that the outlet to a residential street was necessary for a specific traffic movement.

In this instance, communication from the City of Urbandale staff has indicated that adequate access for the proposed commercial development is sufficient from Hickman Road. No further evidence has been provided by the applicant to demonstrate that the proposed rezoning is necessary beyond a matter of convenience.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Brad Vander Linden stated he hopes to answer some questions but most of all he hopes to listen. His concern is designing ample area for larger truck movements. One of the uses for this entrance is the ingress of emergency responders. Occasionally, there would be some larger vehicles and trailers that would need to exit the facility.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following were in opposition of the applicant's request:

Carol Manley 2509 Westover Boulevard stated she was the only one in attendance of the neighborhood meeting scheduled by the applicant. Also, the master plan propose in Urbandale around this facility included a 30-foot wide buffer yard which consisted of a 5-foot high berm and 2 rows of coniferous trees and a fence to block the storage unit from the residential area to the north. This was what Hickman Storage, LLC (Brad Vander Linden) stated was their plan for their project and now they have come to the City of Des Moines and want the road to be used for heavy traffic. She and other surrounding property owners oppose the rezoning of property located at 2504 Westover Boulevard from "R1-60" One-Family Low-Density Residential District to "C-2" General

Retail and Highway Oriented Commercial District and oppose that the property serve as an ingress/egress. She submitted a written petition with 23 signatures in opposition. The petition also states that they do not want large delivery/moving trucks traveling on Westover Boulevard on a daily basis, or have access to this property at anytime. They want the property closed and a fence put up so there is no way it can be used as a road now or in the future.

Rebecca Rogers 2500 Westover Boulevard stated she is not opposed to a self storage business. However, she was opposed when they turned this single drive into a two lane because the trailer court needed to have it in order to have emergency vehicles go through, which has become a real problem. It is not maintained and vehicles going in and out are causing damage to her property. She would like to see it deeded back to her and her neighbor where it would be maintained.

Greg Gallo 2508 Westover Boulevard stated he likes the idea of a storage business. He is concerned that he did not receive notice of the neighborhood meeting until the afternoon of the meeting. He opposes the road being opened up.

Don Smith 2509 Westover Boulevard stated that he fears that as long as the road remain opens it will invite unsavory activities and when Urbandale police are called they say call Des Moines police and vice versa. He is opposed to the rezoning and he thinks the roadway should be closed.

Jim Clark 6403 Holcomb stated his concern is that when the children are on that road to board the bus and to get off the bus in that area, with the semis entering and exiting someone could get hurt. He agrees with staff recommendation to deny the applicant's request.

JoAnn Hanover 1406 Merle Hay Road stated she learned about this issue this afternoon, because the Merle Hay Neighborhood has not held a meeting regarding this issue, she can only speak for herself. She drove to the site and said if she owned either one of the houses on either side of the road, she would not want the ingress/egress.

Rebuttal

Brad Vander Linden stated that his intentions were not to mislead any of his neighbors and thinks that he and neighbors need to talk more. He will work on that. One of the things he would agree to do is to install landscaping on the adjoining properties, bearing the cost of installation and maintenance. At the Urbandale meeting a lot of things were unknown at that time. He noted that the driveway has been used for many years and their only use of the drive would be for egress only, and any ingress would be for emergency responders.

Mike Simonson asked is it possible to build the storage facility without this access.

Brad Vander Linden stated for some of the larger fire trucks would be possible to do. However, they would lose building area which is one of the key drivers in self storage facilities.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Greg Jones moved staff recommendation Part A) To find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan; and

Part B) To deny the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development; and

Part C) To deny the requested rezoning to "C-2" General Retail and Highway Oriented Commercial District.

Motion passed 8-0-1. (Ted Irvine recused himself and did not participate)

Respectfully submitted,


Erik Lundy, AICP
Senior Planner

EML:clw

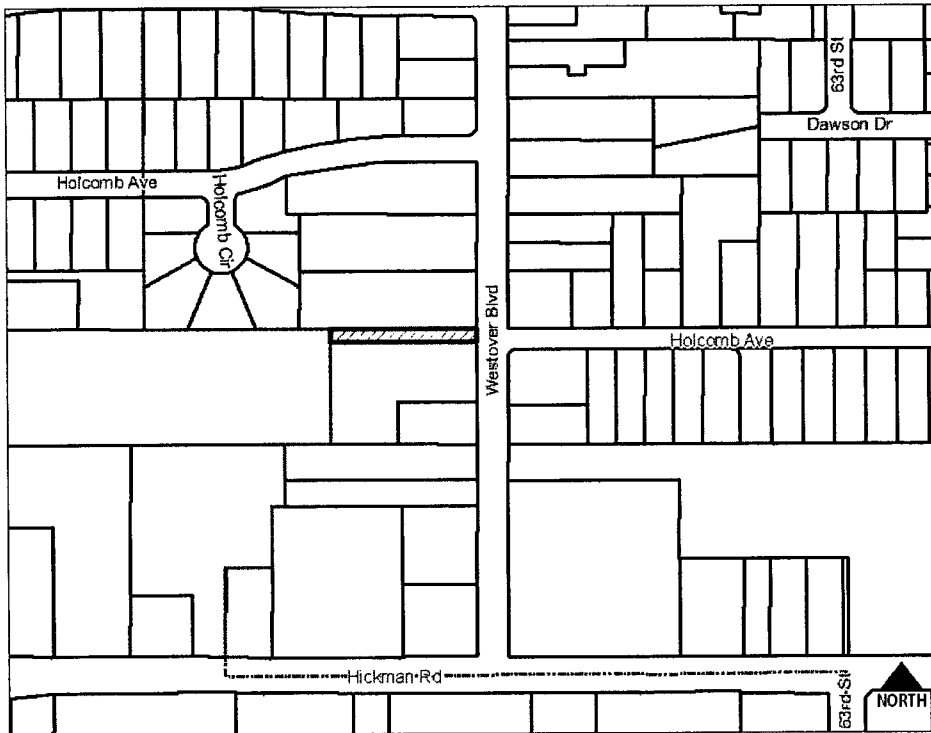
Attachment

54A

Request from Hickman Storage, LLC (owner), represented by Brad Vander Linden (officer), to rezone property at 2504 Westover Boulevard		File #			
		ZON2010-00125			
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented Commercial District, to allow the property to serve as an ingress/egress with limited access for emergency and larger delivery/moving trucks only to a miniwarehouse facility within the adjoining jurisdiction of Urbandale to the west.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	4	10			
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	8-0-1		No	

Hickman Storage LLC - 2504 Westover Boulevard

ZON2010-00125



54A

Item 2010 00125 Date 7-28-10

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

(Circle One) RECEIVED Print Name Allen Vander Linden

COMMUNITY DEVELOPMENT DEPARTMENT Signature Allen Vander Linden

AUG 03 2010 Address 7500 Benton Dr

Own Property at 668/30

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

Property needs to be used. Entrance
not invasive.

Item 2010 00125 Date 7-28-2010

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

(Circle One) RECEIVED Print Name Eric Vander Linden

COMMUNITY DEVELOPMENT DEPARTMENT Signature Eric Vander Linden

AUG 02 2010 Address Hickman & Westover Blvd

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

also on the 668/30 property

Item 2010 00125-14 Date 7-28-2010

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 02 2010

Print Name Eric Vanderlinden

Signature [Signature]

Address 6715 Hackman Rd

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

ALL ARE SUBJECT MATTER

Item 2010 00125-14 Date 7-27-10

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 02 2010

Print Name Floyd A Walter Tr

Signature [Signature]

Address 5501 King's Row, Johnston

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

In assuming ^(gate) access to this parcel will be located on
Westover ~~road~~

Item 2010 00125 Date 7/31/10

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 03 2010
DEPARTMENT

Print Name William Eldredge

Signature [Signature]

Address 6638-40 Holcomb Cir.

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

Concerned with increase traffic +
decrease from that property on to my property.

Item 2010 00125 Date 7/31/10

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 03 2010
DEPARTMENT

Print Name MARINO TAZZIOLI

Signature [Signature]

Address 2008-69th St

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

Item 2010 30180 Date July 30, 2010

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name DENNIS J HERRIGAN

AUG 08 2010

Signature Dennis J Herrigan

Address 2501 Westover Blvd 50322

DEPARTMENT

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

I do NOT want continuous & excessive traffic in my residential area. I did not ~~make~~ ^{make} for the traffic and also it will bring larger traffic vehicles into the area.

- 150 -

Item 2010 30180 Date 7/28/10

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name Sally Nadolsky

AUG 02 2010

Signature Sally Nadolsky

Address 2517 Westover

DEPARTMENT

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

This request is not necessary. The entrance on Hickma Rd will be sufficient. A berm is to be constructed & it needs to be across the entire E side of the lot to keep water out.

Adjacent basements
+
1700 N +
D

Item 2010 00105-17 Date 7-28-2010

I (am) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT
AUG 09 2010
DEPARTMENT

Print Name DONALD C. SMITH
Signature Donald C Smith
Address 2509 WESTOVER BLVD

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

This has been a bad headache for more than 20 yrs people doing drugs drinking etc down this road and neither A.M. or suburban police would respond to calls. we certainly do not want trucks or any vehicles using this road. Close the road

Item 2010 00125-14 Date 7/30/10

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
AUG 09 2010
DEPARTMENT

Print Name Helen Eckleisman
Signature Helen Eckleisman
Address 240 S Westover Blvd.

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

I think the traffic would be heavy & at the present they do not trim or mow the property

Item 2010 00185 Date 7/28/10

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
AUG 02 2010
Print Name HAROLD HARKER SR
Signature Harold Harker
Address 6817 Holcomb ave

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

This area should remain a
Low Density area.

Item 2010 00185 Date 7/27/10

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
AUG 02 2010
Print Name ROXANE BENESE
Signature Roxane B. D-O
Address 6410 Holcomb AVE

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

Our property taxes are high enough
Don't want commercial tax rates
None of us want it

Item 2018 00125 Date _____

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

RECEIVED
COMMUNITY DEVELOPMENT
AUG 02 2018

Print Name Russell L. Nelson

Signature Russell L. Nelson

Address 2406 Westover Blvd.

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

We Already have quite a bit of Traffic,
This would mean cars & Trucks in
And out night & Day

54A



August 3, 2010

Bert Drost

Re: request from Hickman Storage LLC

Mr. Drost:

As per our conversation, please find the enclosed information for the P&Z public hearing in which I whole heartedly support the staff decision to decline the change of zoning. Enclosed you will find my arguments and supporting photos of the strip in question.

I respectfully request you present these to the board. I find that my schedule maynot allow me to attend.

Sincerely

Vicki Sodawasser
2101 68th
Windsor Heights Iowa 50324

Item 2010 00188 Date 7.27.10

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Print Name ELIZABETH & VICKI SODAWASSER

AUG 12 2010

Signature [Signature]

DEPARTMENT

Address 2101-68th

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

75 OF MOTOR CYCLES

- ① LOWER PURCHASE/SALE VALUE OF SURROUNDING HOMES
- ② SINGLE LANE - NOT ALLOW 2-TRUCKS TO USE THE SAME OUTLET
- ③ INCREASE HEAVY USE OF THE CITY STREET
- ④ INCREASE USE OF OUTLET - INCREASE NOISE
- ⑤ GARBAGE GETS THROWN OVER FENCES
- ⑥ TRUCKS ARE EXTREMELY LOUD

① 06/24/10
B16/15

6. ?

54A

City Plan and Zoning Commission
Public Hearing
City Council Chambers
Des Moines Iowa 50309

August 1, 2010

Re: Request to rezone property located at 2504 Westover

I recommend that this request for this rezoning be denied.

Rezoning for any commercial right of way using this small strip of land to gain access to the back portion of Urbandale adjacent to the surrounding homes is not in the best interest of the residence of the city of Des Moines for the following reasons:

1. Significantly lowering the Purchase /Sale value of the surrounding homes. This does not mean the assessed value. Polk County at this time does not recognize the existence of a commercial activity to devalue properties. However, potential homebuyers will look at this an extremely undesirable feature and will either pass by the home or ask for a reduction.
2. The single lane was originally constructed for the sole use of bikers and walkers to have access to the residential streets. See attached photos.
3. The long single lane path does not allow for two trucks to pass each other. See attached photos. Visibility also does not allow for an oncoming truck/car to see each other causing one vehicle to back up.
4. Increase heavy traffic on a residential street.
5. Increase loud motorcycle traffic close to current residence.
6. Increase loud noise from trucks.
7. Trucks often drive too fast.
8. Garbage is thrown from passing vehicles.
9. Is this going to be lighted? Will the lights spill onto surrounding residential properties?
10. Is this going to be gated and where? Gates at the entrance of the outlet will be an eyesore. If it gated on the new property then traffic will go into the property on to see that it is closed.
11. Will this property be accessible 24hrs a day?
12. Ugly signage to identify the entrance. This is also a deterrent to potential homebuyers.

