

Date..... February 13, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2012, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from ThermoKing Sales and Service, Inc. (owner) represented by Daniel Santarsiero (officer) to rezone property located at 4875 Hubbell Road from A-1 Agricultural District to Limited M-1 Light Industrial District, to allow sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
 - b) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
 - c) Storage yards, and communication towers and antennas as permitted in the M-1 District.
2. Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

The subject properties are more specifically described as follows:

Beginning 136.11 feet West and 133.31 feet North of the Southeast Corner, thence West 261.27 feet, thence northerly 551.68 feet, thence Northeasterly 145 feet, thence Southeasterly 179 feet, thence South 540.88 feet to the Point of Beginning, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 15, Township 79 North, Range 23 West of the 5th P.M., all 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 is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 27, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.

-Continue-

25

February 13, 2012

Date

-2-

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:



 Michael F. Kelley
 Assistant City Attorney

(ZON2011-00242)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

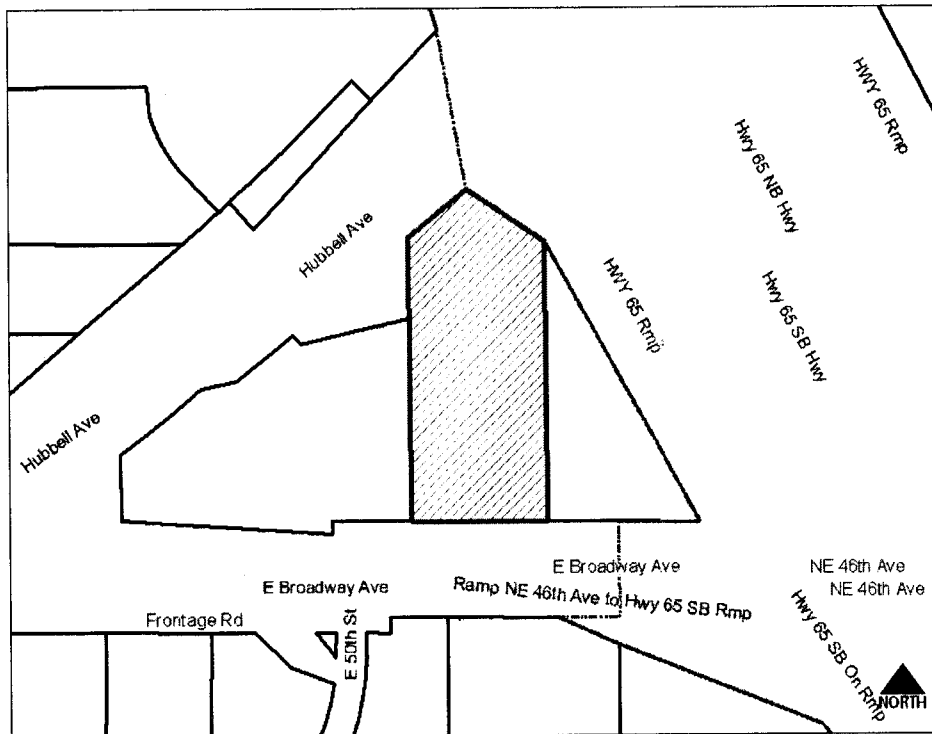
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Request from ThermoKing Sales and Service, Inc. (owner) represented by Daniel Santarsiero (officer), to rezone property located at 4875 Hubbell Road.		File # ZON2011-00242		
Description of Action	Review and approval to rezone the property from "A-1" Agricultural District to Limited "M-1" Light Industrial District, to allow property with uses of sales and service of recreational vehicles and refrigerated semi-tractor trailers, to include above ground storage tanks of petroleum, to conform as permitted uses with Zoning.			
2020 Community Character Plan	Planned Business Park			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"A-1" Agricultural District			
Proposed Zoning District	Limited "M-1" Light Industrial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Thermo King Sales & Service Inc/Shorewood RV Center - 4975 Hubbell Ave ZON2011-00242



Item 2011 00242 Date 1-14-12

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

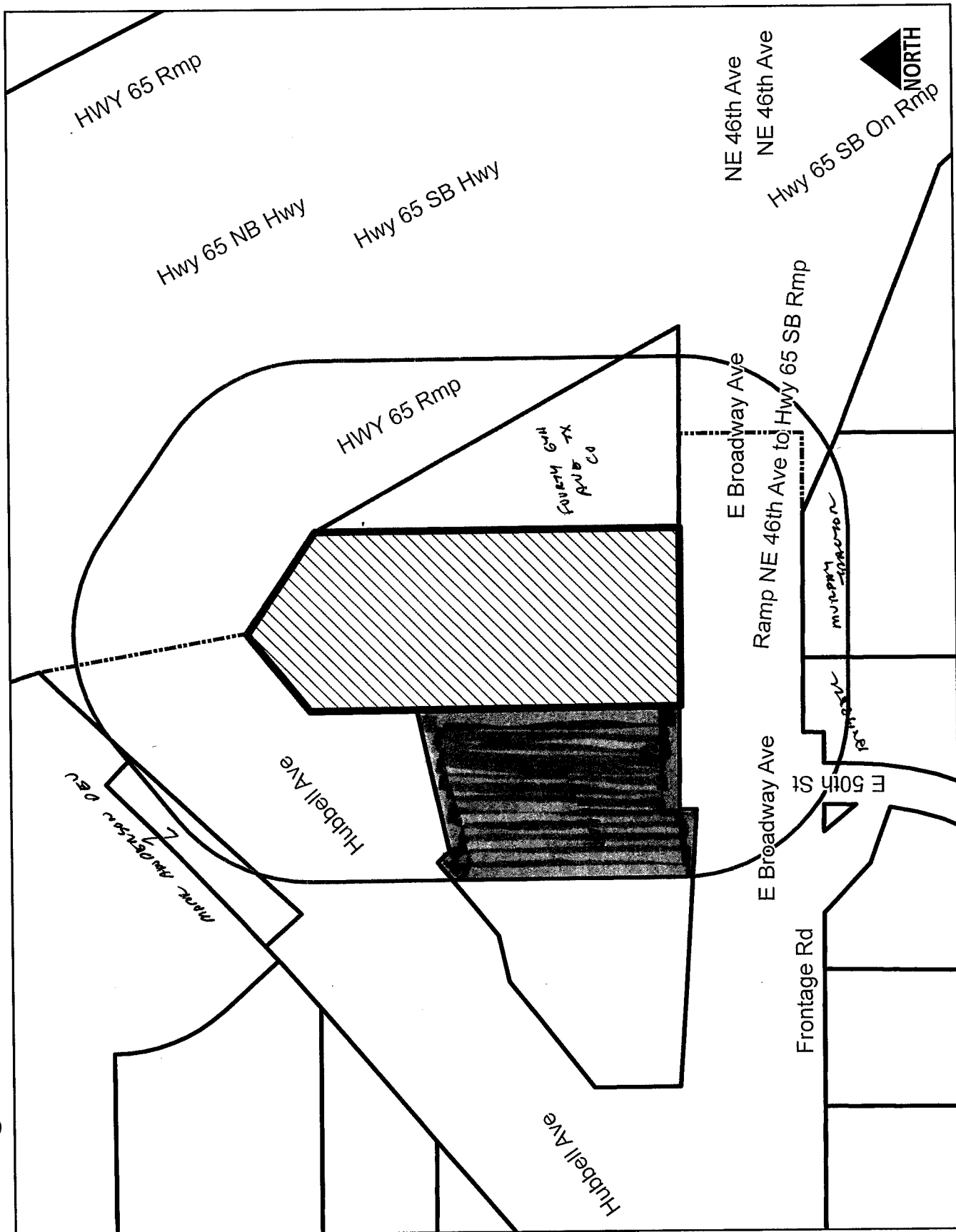
RECEIVED
COMMUNITY DEVELOPMENT
JAN 20 2012
DEPARTMENT

Print Name Kenneth Nesheim

Signature Kenneth Nesheim

Address 4965 Hubbell Avenue

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



Date February 13, 2012

Agenda Item 25

Roll Call # _____

February 1, 2012

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 January 19, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee				X
Mike Simonson	X			
CJ Stephens	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 ThermoKing Sales and Service, Inc. (owner) represented by Daniel Santarsiero (officer), Part A) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan; and Part B) to rezone property located at 4875 Hubbell Road from "A-1" Agricultural District to Limited "M-1" Light Industrial District, to allow property with uses of sales and service of recreational vehicles and refrigerated semi-tractor trailers, to include above ground storage tanks of petroleum, to conform as permitted uses with Zoning, subject to the following conditions:
ZON2011-00242

1. Permitted uses shall be limited to the following:
 - a) Uses allowed in the "C-2" District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
 - b) Uses allowed in the "C-3" and C-3A" District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.

- c) Only the uses of storage yards, and communication towers and antennas as permitted in the “M-1” District.

2. Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

Written Responses

1 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested Limited “M-1” zoning in conformance with the Des Moines’ 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning subject to the following conditions.

- 1. Permitted uses shall be limited to the following:
 - a) Uses allowed in the “C-2” District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
 - b) Uses allowed in the “C-3” and C-3A” District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
 - c) Only the uses of storage yards, and communication towers and antennas as permitted in the “M-1” District.
- 2. Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The subject property houses two existing businesses that were annexed into the City in 2009: ThermoKing, a company selling refrigerated semi-trailers; and Shorewood RV, a company displaying and selling recreational vehicles. The applicant is seeking to bring the existing uses into conformance with the uses permitted by the Zoning Ordinance.
- 2. **Size of Site:** 3.56 acres.
- 3. **Existing Zoning (site):** “A-1” Agricultural District.
- 4. **Existing Land Use (site):** Sales, servicing and display of refrigerated semi-trailers; and sales and display of recreational vehicles. There is also accessory outdoor storage. The site contains a 10,004-square foot commercial building for warehousing, service, and office use that is shared by the two businesses. There is also an existing 120-foot communications antenna on the subject property.

5. Adjacent Land Use and Zoning:

North – “A-1”, Uses are agricultural land and U.S. Highway 65.

South - “A-1” & “M-1”, Murphy Tractor and vacant industrial land.

East – “A-1”, Use is a warehouse and trucking company.

West – “A-1”, Use is Archer Motel.

6. General Neighborhood/Area Land Uses: The subject property is located along the Hubbell Avenue and East Broadway Avenue highway commercial corridor just west of the U.S. Highway 65 interchange.

7. Applicable Recognized Neighborhood(s):

8. Relevant Zoning History: The property was annexed into the City of Des Moines and zoned as “A-1” Agricultural District on June 26, 2009.

9. 2020 Community Character Land Use Plan Designation: Planned Business Park.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Drainage/Grading:** There is no proposed grading or modification to drainage. Any future development of the site would be required to comply with the City’s stormwater management requirements. Any grading would be subject to an approved grading permit and soil erosion control plan.
- 2. Utilities:** There are no public sanitary or storm sewers in the area to serve the property. The nearest public storm and sanitary sewers are approximately 700 feet to the southwest. Public water main is located on the north side of Hubbell Avenue from the subject property.
- 3. Landscaping & Buffering:** Any future development of the site under its existing use would be subject to meeting landscaping provisions as applicable to “C-2” Districts based on the design guidelines for vehicle display lots. Redevelopment for other uses would require landscaping as applicable to “M-1” Districts.
- 4. Access or Parking:** The site has two access drives, including one from the north from Hubbell Avenue and one from East Broadway Avenue. Any expansion of the use of building on the property would need to be analyzed to determine whether the site would meet minimum requirements for off-street parking spaces. The current building requires a minimum of 17 paved and marked spaces. The site currently exceeds that

minimum requirement. The current use also includes outdoor storage, which is on a paved surface.

- 5. 2020 Community Character Plan:** The proposed rezoning to the limited “M-1” District is compatible with the Planned Business Park future land use designation. Any future expansion involving vehicle display is subject to conformance with a site plan approval under design guidelines for vehicle display lots.

Staff believes that the “M-1” District zoning is necessary to allow for the current ongoing uses on the property. However based on the mix of residential, highway commercial, and light industrial uses in the immediate surrounding area, the following uses that would be allowed by the “C-2”, “C-3” and “C-3A” would not be compatible: adult entertainment businesses, off-premises advertising signs, delayed deposit services; pawn shops; assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products. Also, the only uses as allowed in the “M-1” District that would be appropriate for the area are storage yards, and communication towers and antennas. The applicant has already proposed prohibiting adult businesses and pawn shops with their application.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant’s request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones moved staff recommendation Part A) to find the proposed rezoning in conformance with the Des Moines’ 2020 Community Character Plan; and Part B) to rezone property located at 4875 Hubbell Road from “A-1” Agricultural District to Limited “M-1” Light Industrial District, to allow property with uses of sales and service of recreational vehicles and refrigerated semi-tractor trailers, to include above ground storage tanks of petroleum, to conform as permitted uses with Zoning, subject to the following conditions:

1. Permitted uses shall be limited to the following:
 - a) Uses allowed in the “C-2” District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
 - b) Uses allowed in the “C-3” and C-3A” District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
 - c) Only the uses of storage yards, and communication towers and antennas as permitted in the “M-1” District.

2. Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

Motion passed 11-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig", written in a cursive style.

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

February 1, 2012

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 January 19, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee				X
Mike Simonson	X			
CJ Stephens	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 JZJL Holdings, LLC d/b/a QCSA Direct (developer) represented by Joseph Zrostlik (officer) Part A) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan; and Part B) to approve the rezoning property located at 1700 East Aurora Avenue to remove a condition of the Limited "M-2" Heavy Industrial District that prohibits use of the property as a junk or salvage yard with conditions approved by Ordinance No. 14,504 to allow a towing and storage yard for motor vehicles and trailers including wrecked or damages vehicles provided there is no salvaging, stacking or crushing of vehicles on the property. The subject property is owned by the Nellis Corporation, Ellis I. Levitt Trust and Wells Fargo Bank, N.A. (trustee). (ZON2011-00246)

Written Responses

- 0 In Favor
- 1 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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 rezoning the subject property to revise the Limited "M-2" Heavy Industrial District with conditions approved by Ordinance No. 14,504 to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to use the western portion of the subject property for a towing and storage yard for motor vehicles and trailers including wrecked. The application indicates that vehicles would generally be located on site for approximately 15 to 150 days and that they are routinely sold via internet auctions. The vehicles would be brought to and removed from the property intact. The proposed business would not include any on-site salvaging, stacking or crushing of vehicles.
2. **Size of Site:** The subject site measures 16.8 acres and is a part of a 28.1-acre parcel.
3. **Existing Zoning (site):** Limited "M-2" Heavy Industrial District.
4. **Existing Land Use (site):** The subject property is a large factory site that is partially vacant and partially used for storage.
5. **Adjacent Land Use and Zoning:**
 - North* – Heavy Industrial District (Polk Co. designation), Uses consist of a railroad line and the Hamilton Drainage Basin.
 - South* – "M-1", Uses consist of warehousing.
 - East* – Heavy Industrial District (Polk Co. designation), Uses consist of warehousing and a railroad line.
 - West* – "M-2", Use is a light manufacturing facility.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an industrial and warehousing area in the northeast section of the City. Uses in this area primarily consist of manufacturing and warehousing. This area is bounded by the city limits to the north, Interstate 235 to the east, East Washington Avenue to the south and Dixon Street to the west.
7. **Applicable Recognized Neighborhood(s):** NA.

8. Relevant Zoning History: On June 3, 1991 the City Council approved Ordinance No. 11,669 prohibiting the following Conditional Uses:

- a. *Abattoirs and slaughter houses or stockyards;*
- b. *Cement, lime, gypsum or plaster of paris manufacture;*
- c. *Explosive storage;*
- d. *Garbage, offal or dead animal reduction or dumping;*
- e. *Junk yard or salvage yard;*
- f. *Sand or gravel pits; and*
- g. *Solid waste transfer stations.*

On October 10, 2005 the City Council approved Ordinance No. 14,504 allowing towing and storage yards for motor vehicles and trailers provided there is no salvaging, stacking or crushing of vehicles on the property as a Conditional Use. The following is current list of prohibited uses from the ordinance.

- a. *Abattoirs and slaughter houses or stockyards.*
- b. *Cement, lime, gypsum, or plaster of Paris manufacture.*
- c. *Explosive storage.*
- d. *Garbage, offal or dead animal reduction or dumping.*
- e. *Junk yard or salvage yard, however this shall not prohibit the use of the Property as a towing and storage yard for motor vehicles and trailers provided there is no salvaging, stacking or crushing of vehicles on the Property.*
- f. *Sand or gravel pits.*
- g. *Solid waste transfer station.*

9. 2020 Community Character Land Use Plan Designation: General Industrial.

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 Chapter 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 submitted site sketch indicates reuse of existing paved parking and structures and the construction of a 20-foot by 40-foot modular office. Stormwater management requirements would be reviewed during the Conditional Use Permit and site plan review processes. Staff believes there is ample space on the site to handle any necessary stormwater management improvements.

2. Landscaping & Buffering: The City's Landscaping Standards for "M-2" Districts generally require the following:

- 1. 20% open space with a minimum of one overstory deciduous tree and one evergreen tree and one shrub for every 5,000 square feet of required open space.

2. Parking lots and display lots shall provide landscaping within the interior of the parking lot. All parking lots or display lots containing more than fifty stalls shall be required to landscape the interior of the parking lot with a minimum of one overstory tree and three shrubs for every forty spaces, at maturity shrubs shall be no taller than 36”.
3. Parking lots and display lots of any size shall be required to separate the paved lot from the property line and landscape this setback perimeter in conformance with Chapter 5, Section II of the Des Moines Landscape Standards.

Section 134-1123 of the Zoning Ordinance states that in the “M-2” District, the following conditions are required:

1. The best practical means known for the disposal of refuse matter or water-carried waste and the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.
2. All development within the M-2 heavy industrial district is also subject to the adopted landscape standards under the site plan regulations in chapter 82.

These performance standards and the above mentioned landscaping requirements would be reviewed during the Conditional Use Permit and site plan review processes.

3. **Access or Parking:** Access is provided to this site from East Aurora Avenue and Dixon Street. The subject site is near both the East 14th Street and East Euclid Avenue corridors. The proposed rezoning should have no impact on the street system. The submitted site sketch shows 14 parking spaces. Necessary parking will be evaluated during the Conditional Use Permit and site plan review processes. Staff believes there is ample space on the site to provide necessary parking.
4. **Applicable Conditional Use Criteria:** If the proposed rezoning is approved the applicant will be required to obtain a Conditional Use Permit from the Zoning Board of Adjustment before the proposed use can occupy the site. The Board is required by Section 134-1122(5) of the City Code to consider all of the following criteria when reviewing a Conditional Use Permit request for uses in the “M-2” District that are not permitted in the “M-1” District or does not comply with the limitations of such use in the “M-1” District.
 - a. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
 - b. Such use shall not impair an adequate supply of light and air to surrounding property;
 - c. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
 - d. Such use shall not diminish or impair established property values in adjoining or surrounding property;
 - e. Such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan;

- f. All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- g. All areas outside a completely enclosed building used for the storage of inoperable or unsafe vehicles, junk or salvage materials shall be enclosed on all sides by a solid opaque fence and gates at least eight feet in height and of uniform design and color, and should be effectively screened from public view. If such area abuts an area upon the adjoining property which is also used for the storage of inoperable or unsafe vehicles, junk or salvage materials, no fence or setback is required along the common property line while such adjoining use continues. All fences shall be maintained in good repair.
- h. Junk and salvage materials shall not be stacked higher than the perimeter fence within 75 feet of the fence and shall not be stacked higher than 25 feet.
- i. The dismantling or repair of vehicles shall occur only upon a impermeable surface with adequate provision for the collection and disposal of fluids and wastes.
- j. Any junk or salvage yard shall provide a paved area for the receipt and temporary storage of material which is screened from the adjoining public right-of-way.
- k. The best practical control technology shall be employed to minimize any obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance generated by the proposed use, and the best practical means known shall be employed for the disposal of refuse matter.

III. STAFF RECOMMENDATION TO THE PLAN AND ZONING COMMISSION 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 rezoning the subject property to revise the Limited "M-2" Heavy Industrial District with conditions approved by Ordinance No. 14,504 to allow a towing and storage yard for motor vehicles and trailers including wrecked or damages vehicles provided there is no salvaging, stacking or crushing of vehicles on the property.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones moved staff recommendation to approve Part A) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan; and Part

B) to approve the rezoning of subject property to revise the Limited "M-2" Heavy Industrial District with conditions approved by Ordinance No. 14,504 to allow a towing and storage yard for motor vehicles and trailers including wrecked or damages vehicles provided there is no salvaging, stacking or crushing of vehicles on the property.

Motion passed 11-0.

Respectfully submitted,

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment