

Date October 22, 2012

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held September 20, 2012, the members voted 10-1 to recommend **APPROVAL** of a request from Strollo Development, LLC (purchaser) represented by Jennifer Carney (officer) for property located at 2419 Southeast 14<sup>th</sup> Street to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.

MOVED by \_\_\_\_\_ to adopt, and approve the proposed amendment.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(21-2012-4.09)

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

Date \_\_\_\_\_

Agenda Item 41A

Call # \_\_\_\_\_

October 2, 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 September 20, 2012, the following action was taken regarding a request from Strollo Development, LLC (purchaser) represented by Jennifer Carney (officer) to rezone property located at 2419 Southeast 14<sup>th</sup> Street. The subject property is owned by Randall Boyd.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-1-1 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			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdil	X			

**APPROVAL** of Part A) the requested rezoning with conditions in conformance with the Des Moines' 2020 Community Character Plan; and Part B) approval of the requested rezoning to remove the "VDL" Vehicle Display Lot Overlay District from the subject property subject to the owner agreeing to the following conditions: (ZON2012-00147)

1. Provision of 27-foot minimum paving setbacks along the Southeast 14<sup>th</sup> Street and East Lacona Avenue frontages, and 17-foot minimum paving setbacks along the south and east property lines.
2. Provision of landscaping materials in excess of minimum requirements of the Des Moines' Landscaping Standards to be determined by the Commission at Site Plan review.



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 TO THE P&Z COMMISSION

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

Part B) Staff recommends approval of the requested rezoning to remove the "VDL" Vehicle Display Lot Overlay District from the subject property subject to the owner agreeing to the following conditions:

1. Provision of 27-foot minimum paving setbacks along the Southeast 14<sup>th</sup> Street and East Lacona Avenue frontages, and 17-foot minimum paving setbacks along the south and east property lines.
2. Provision of landscaping materials in excess of minimum requirements of the Des Moines' Landscaping Standards to be determined by the Commission at Site Plan review.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant operates a non-conforming recreational vehicle sales lot, Des Moines RV, on the property located at 2401 Southeast 14<sup>th</sup> Street. The subject property contains a building that is currently being leased to a cabinet making business. The concept sketch submitted indicates that the Sales would continue to be handled out of the applicant's building at 2401 SE 14<sup>th</sup> Street with the removal of the building on the subject property.
2. **Size of Site:** 1.237 acres.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial and the "VDL" Vehicle Display Lot Overlay District.
4. **Existing Land Use (site):** Custom kitchen and cabinetry business. This was determined to be vacant by Zoning Enforcement inspection staff on June 1, 2012.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-2", Use is Des Moines RV sales lot.
  - South** – "C-2", Use is a single-family dwelling that includes an office.
  - East** – "R1-60", Uses are single-family residential.
  - West** – Limited "C-2", Use is a J.D. Byrider used vehicle display lot.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the Southeast 14<sup>th</sup> Street commercial corridor. This area is generally characterized by highway oriented commercial development along Southeast 14<sup>th</sup> Street with mixed densities of residential development adjoining the corridor.

- 7. Relevant Zoning History:** On May 23, 2007 the City Zoning Enforcement Section issued a violation to the owner of the subject property for having a display lot for RVs without a certificate of zoning compliance and without being developed in accordance with an approved Site Plan.

On January 17, 2008, the Plan and Zoning Commission approved a Site Plan under vehicle display lot design guidelines allowing expansion of the RV sales lot to the north onto the subject property. This approval was subject to the following conditions.

1. Addition of a note stating, "All display areas will clearly marked by a painted perimeter stripe."
2. Addition of a note stating, "No elevated display of motor vehicles in any required front yard."
3. Provision of a minimum of 10 off-street parking spaces for customers and employees on the northern parcel (2401 SE 14th Street).
4. Provision of bufferyard plantings and a 75% opaque fence along the south perimeter of the site.
5. Plantings along SE 14th Street are moved generally 2' to the east.
6. Identification of all trash enclosures with final locations approved by the Community Development Director.
7. Prohibition of the use of the southern parcel (2419 SE 14th Street) for vehicle display until approval of a final Site Plan and installation of all required site improvements including landscaping and paving.
8. Provision that the applicant work with staff to ensure that lighting complies with Code.
9. Provision that Bishop Engineering sign off on the project once it is completed to ensure it meets the site plan.

A revised Site Plan was finalized to comply with these conditions with approval by the Planning Director on February 29, 2008. Subsequently, the City Council adopted the Vehicle Display Lot Overlay District on September 28, 2009. The City Council adopted Ordinance No. 14,897 to apply the "VDL" Vehicle Display Lot Overlay District designation to all properties fronting Southeast 14th Street and East 14th Street. This prohibited new vehicle display lots or expansions onto property not owned at the time of the adoption.

No action had been taken by the developer to commence improvements in accordance with the approved Site Plan by March 1, 2010. Section 82-216(b) of the City declares that an approved Site Plan becomes void if development does not commence within a two-year period. Therefore, the prohibition of display lot expansion by the "VDL" Overlay District went into effect for the subject property on March 1, 2010.

- 8. Vehicle Display Lot Overlay District Regulations:** The following are the "VDL" Vehicle Display Lot Overlay District states:

*Sec. 134-1260. Statement of Intent.*

*There exist within the City of Des Moines segments of commercial corridors wherein the concentration of vehicle display lots has reached a level that has discouraged investment and reinvestment in other uses in the area. As retail and service businesses close and property values within the affected corridors decline or fail to rise with the overall market, the most profitable use of the vacant properties is often for*

additional vehicle display lots. This further increases the concentration of vehicle display lots and their impact on other properties.

The **creation or expansion of vehicle display lots is generally prohibited** in the VDL vehicle display lot overlay district. It is expected that over time the concentration of vehicle display lots will decline through attrition and conversion to other uses, and the detrimental impact of the remaining vehicle display lots will decline as vehicle display lots are upgraded over time to the current landscaping and setback standards.

Sec. 134-1261. Application of VDL Vehicle Display Lot Overlay District.

- (a) Property may be zoned to the VDL vehicle display lot overlay district when the City Council has made a determination that at least one of the following conditions exist within the corridor along which the property is located:
  - (1) The corridor or portion thereof to be rezoned to the VDL overlay district contains a high concentration of vehicle display lots and the concentration of vehicle display lots has reached a level where it is discouraging, or with any increase is likely to discourage, further investment and reinvestment in other uses along the corridor.
  - (2) The use of the required front yard for vehicle display is contrary to the predominant character of the corridor or portion thereof to be rezoned to the VDL overlay district, and would detrimentally impact that character and property values along the corridor.
- (b) **The City Council, after review and recommendation by the Plan and Zoning Commission, may consider removal of the VDL vehicle display lot overlay district designation from a specific parcel, if the Council finds that the above conditions no longer exist or that the proposed use demonstrates provision of exceptional setbacks, landscaping and other site amenities that mitigate the visual impact of the vehicle display lot from the corridor.**

Sec. 134-1262. Limitations on Permitted Uses.

- (a) Property in the VDL vehicle display lot overlay district shall continue to be subject to all the zoning regulations applicable in the underlying zoning district, except as otherwise specifically provided in this division. Where this division identifies a more restrictive requirement than is otherwise applicable in the underlying zoning district, the more restrictive requirement of this division shall control. Any property used in common with property in the VDL district shall be subject to the limitations of the VDL district as provided in section 134-1276(h).
- (b) Except as provided in paragraph (c), no vehicle display lot shall be created or expanded and no site plan shall be approved for the creation or expansion of a vehicle display lot within the VDL overlay district.
- (c) An vehicle display lot which was a lawful use when rezoned to the VDL overlay district and has not been discontinued for more than six (6) months or abandoned, may be redeveloped or expanded provided that: i) such redevelopment or expansion is entirely upon adjoining land or upon land separated only by an intervening alley, which is owned of record by the owner of the portion of such land devoted to the vehicle display lot when such land was rezoned to the VDL overlay district; and, ii) the entire vehicle display lot as so redeveloped or expanded conforms with the applicable zoning and site plan requirements.

**9. Applicable Recognized Neighborhood(s):** The subject property is located in the Pioneer Park Neighborhood and is also within 250 feet of the Indianola Hills Neighborhood. These neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 21, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on August 17, 2012 (20 days prior) and August 28, 2012 (10 days prior to the originally scheduled September 6, 2012 hearing) to Pioneer Park Neighborhood Association, Indianola Hills Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 31, 2012.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Pioneer Park Neighborhood Association mailings were sent to Carole Jones, 1603 Pioneer Road and the Indianola Hills Neighborhood Association mailings were sent to Nancy Watson, 326 East Broad Street.

The applicant scheduled a neighborhood meeting on-site for Wednesday, September 5, 2012. This included invitation to the Pioneer Park Neighborhood Association, Indianola Hills Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The applicant discussed a summary of the neighborhood meeting discussion at the September 6, 2012 Commission hearing. A letter of support was received from the Pioneer Park Neighborhood Association at that hearing as well.

**10. 2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development.

**11. 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.

Should the proposed rezoning be approved, any future use of the site for a vehicle display lot would be subject to review and approval of a Site Plan under the design guidelines for vehicle display lots by the Plan & Zoning Commission, including the following: In acting upon any site plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission shall apply the design standards in section 82-213 and the additional standards set forth below. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design standards:

- 1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.
- 2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted site plan policies.

- 3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:
  - a) contain at least one-half acre of land.
  - b) conform with the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted site plan policies.
  - c) be surfaced with an asphaltic or Portland cement binder pavement 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.
  - d) incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.
- 4) There shall be no elevated display of motor vehicles in any required front yard.
- 5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.
- 6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Staff Rationale:** Staff does not believe that there has been a significant reduction in the concentration of vehicle display lots on the region of Southeast 14<sup>th</sup> Street in which the subject property is located. The proposed expansion would increase the amount of display on the corridor and would not improve the predominant character of the corridor.

The applicant has resubmitted the development concept since the hearing on September 6, 2012. The street setbacks are proposed at 27 feet on the west and north boundaries of the overall site and the bufferyard setbacks are shown at 17 feet. This represents a 7-foot increase over the minimum standards of 20 and 10 feet respectively. This would help accommodate the longer overhangs of the RVs that will be sold. The proposed conceptual landscaping material is still less than the minimum required by the Des Moines' Landscaping Standards for sites with this large of and area.

If the rezoning is to be approved, staff recommends that it be conditioned upon the applicant providing the 27-foot and 17-foot setbacks as proposed, and providing landscaping material in excess of minimum standards. This would be determined by the Commission at Site Plan review.

2. **2020 Community Character Land Use Plan:** The proposed conversion of the property to a vehicle display lot would not be consistent with the 2020 Community Character Plan's future land use designation of Commercial: Auto-Oriented Small-Scale Strip Development, unless the "VDL" Overlay is removed.
3. **Landscaping & Buffering:** The proposed concept landscaping does not meet the minimum planting requirements. The totals are deficient of four (4) overstory trees and

41A

10 evergreen trees. Staff recommends that as a condition of approval, that landscaping materials exceed the minimum standards to be determined at Site Plan review.

- 4. **Access or Parking:** The property currently has developed two-way access from Southeast 14<sup>th</sup> Street. Due to the existing median in Southeast 14<sup>th</sup> Street this only provides right-in/right-out access. The proposed concept indicates that this access would be eliminated with all access coming from the existing site to the north.

The existing display lot currently has two-way access driveways on both Southeast 14<sup>th</sup> Street and East Lacona Avenue. The Southeast 14<sup>th</sup> Street access for this property is also limited to right-in/right-out access due to the median. The north driveway onto East Lacona Avenue is the main access that would provide access for southbound traffic on Southeast 14<sup>th</sup> Street. It is not anticipated that any Site Plan would require placing drive approaches closer to residential properties than the existing drive approaches.

The subject property as currently developed does not have any paved area for display or off-street parking. Should the "VDL" Overlay be removed, the entire existing Site on 2401 Southeast 14<sup>th</sup> Street and the proposed expansion on 2419 Southeast 14<sup>th</sup> Street would be required to have paved parking, display areas, maneuvering aisles, and landscaping.

**SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendation. The site plan will have to come back to the Commission if the vehicle display lot overlay district is removed.

Chuck Bishop 3501 104<sup>th</sup> Street in Urbandale, Bishop Engineering representing Strollo Development reviewed the changes they have made since the previous time they came before the Commission. They are in agreement with staff recommendations.

Tim Fitzgerald asked about the screening to the house.

Chuck Bishop stated they will be using wooden fence plus the addition of the trees.

CJ Stephens commented that the plant material listed the Conifers and evergreens which have a low survival rate in the midwest. She suggested they consider other material.

Mike Ludwig stated that until the Landscape Standards are amended the requirement is a mix that includes evergreens and deciduous plantings.

CJ Stephens suggested looking at the shrubs used along the highway.

**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**

Tim Fitzgerald stated that the neighborhood is excited about this project and believes that this will set a good standard.



JoAnne Corigliano commented that just knowing the neighborhood is for this project shows the applicant has presented a very nice plan. Because the vehicle display overlay district has been something she has fought for she will be abstaining from the vote.

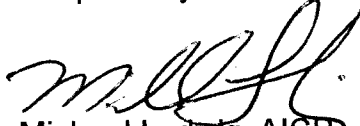
**COMMISSION ACTION:**

Tim Fitzgerald moved staff recommendation Part A) to find the requested rezoning with conditions in conformance with the Des Moines' 2020 Community Character Plan; and Part B) approval of the requested rezoning to remove the "VDL" Vehicle Display Lot Overlay District from the subject property subject to the owner agreeing to the following conditions:

1. Provision of 27-foot minimum paving setbacks along the Southeast 14<sup>th</sup> Street and East Lacona Avenue frontages, and 17-foot minimum paving setbacks along the south and east property lines.
2. Provision of landscaping materials in excess of minimum requirements of the Des Moines' Landscaping Standards to be determined by the Commission at Site Plan review.

Motion passed 9-1-1 (Dann Flaherty voted in opposition and JoAnne Corigliano abstained).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

41A

Request from Strollo Development, LLC (purchaser) represented by Jennifer Carney (officer) to rezone property located at 2419 Southeast 14 <sup>th</sup> Street. The subject property is owned by Randall Boyd.		File # ZON2012-00147			
<b>Description of Action</b>	Approval to remove the "VDL" Vehicle Display Lot Overlay District from the subject property to allow expansion of the RV sales lot from the adjoining property to the north at 2401 Southeast 14 <sup>th</sup> Street subject to the owner agreeing to the conditions.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development				
<b>Horizon 2035 Transportation Plan</b>	Southeast 14 <sup>th</sup> Street from the East 15 <sup>th</sup> Extension to East Park Avenue to widen from 4 lanes divided to 6 lanes divided				
<b>Current Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District with "VDL" Vehicle Display Lot Overlay District				
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	9-1-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	

Strollo Development LLC - 2419 SE 14th Street

ZON2012-00147



ZON2012-00147

Stollo Development LLC - 2419 SE 14th Street

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