

Date..... November 18, 2013

**RESOLUTION APPROVING AMENDMENT TO THE
DES MOINES 2020 COMMUNITY CHARACTER PLAN**

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 October 3, 2013, the members voted 13-0 to recommend **APPROVAL** of a request from Galinsky Family Real Estate, LLC (purchaser) represented by Gary Galinsky (officer) to amend the Des Moines 2020 Community Character Land Use Plan to revise the existing future land designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park for property located at 5035 Hubbell Avenue, as more specifically shown by the accompanying map. The subject property is owned by Homemakers Plaza, Inc.

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:



Roger K. Brown
Assistant City Attorney

(21-2013-4.20)

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

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.

Mayor

City Clerk

Homemakers Plaza Inc. (Galinsky Family Real Estate LLC) -
5035 Hubbell Avenue

ZON2013-00156



487A
42A

487.A

October 11, 2013

Date _____

Agenda Item 42A

Roll Call # _____

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 October 3, 2013, the following action was taken regarding a request from Galinsky Family Real Estate, LLC (purchaser) represented by Gary Galinsky (officer) to rezone property located at 5035 Hubbell Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1887
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1984
2003

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL to find the requested rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development; to approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park; and approval of the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

(21-2013-4.20 & ZON2013-00156)

A. The following uses of structures and land shall be prohibited upon the Property:

1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted.

2. Farms, except growing crops on any land that has not been improved.
3. Asphalt or concrete mixing or production facilities.
4. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances.
5. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated.
6. Cemeteries.
7. Adult entertainment businesses.
8. Arcades or game rooms as a substantial portion of a business.
9. Taverns and nightclubs.
10. Animal rendering or slaughter facility.
11. Off-premises advertising signage.
12. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility.
13. Jail, prison, or any other correctional facility of any kind.
14. Any public or private nuisance or illegal activity.
15. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks.
16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
17. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
18. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
19. Package goods store for the sale of alcoholic beverages.
20. Vehicle display lots, including but not limited to used car sales lot.
21. Pawn brokerages.
22. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.

- B. The following standards shall apply to any building hereafter constructed for miniwarehouse use:
1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
 2. No storage access doors shall be oriented toward a public street, any adjoining residential zoning or development, or toward the west property line.
- C. Any fencing along the north, west, and south perimeter of the site shall consist of wrought iron style fencing unless providing a privacy fence is necessary to provide screening for an adjoining property.
- D. Outside storage on the premises shall be prohibited.
- E. Provision of downward directed, shielded lighting to avoid shining obtrusively onto adjoining properties.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director as being comparable in overall quality.
- G. All overhead doors and loading docks on any principal or accessory building shall not face Hubbell Avenue or East Broadway Avenue, unless determined by the Community Development Director that no other reasonable location for the overhead doors and loading docks exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
- H. Any development of the property shall comply with the City's Landscaping Standards applicable to the "C-2" District.

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 future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park.

Part C) Staff recommends approval of the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

- A. The following uses of structures and land shall be prohibited upon the Property:
1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential

facility of any kind, except that hotels and motels who rent to transient guests are permitted.

2. Farms, except growing crops on any land that has not been improved.
3. Asphalt or concrete mixing or production facilities.
4. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances.
5. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated.
6. Cemeteries.
7. Adult entertainment businesses.
8. Arcades or game rooms as a substantial portion of a business.
9. Taverns and nightclubs.
10. Animal rendering or slaughter facility.
11. Off-premises advertising signage.
12. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility.
13. Jail, prison, or any other correctional facility of any kind.
14. Any public or private nuisance or illegal activity.
15. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks.
16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
17. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
18. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
19. Package goods store for the sale of alcoholic beverages.
20. Vehicle display lots, including but not limited to used car sales lot.
21. Pawn brokerages.
22. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.

- B. The following standards shall apply to any building hereafter constructed for miniwarehouse use:
1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
 2. No storage access doors shall be oriented toward a public street, any adjoining residential zoning or development, or toward the west property line.
- C. Any fencing along the north, west, and south perimeter of the site shall consist of wrought iron style fencing unless providing a privacy fence is necessary to provide screening for an adjoining property.
- D. Outside storage on the premises shall be prohibited.
- E. Provision of downward directed, shielded lighting to avoid shining obtrusively onto adjoining properties.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director as being comparable in overall quality.
- G. All overhead doors and loading docks on any principal or accessory building shall not face Hubbell Avenue or East Broadway Avenue, unless determined by the Community Development Director that no other reasonable location for the overhead doors and loading docks exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
- H. Any development of the property shall comply with the City's Landscaping Standards applicable to the "C-2" District.

Written Responses

3 In Favor

3 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to demolish a portion of the existing building and reuse the site for a mix of minwarehousing and warehousing. The submitted site sketch indicates that three rows of miniwarehouse storage units would be constructed to the west of the remaining portion of the existing building and that a new 35,520-square foot warehouse building would be constructed to the east of the existing building.

