

Date..... March 10, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF RACCOON STREET WAREHOUSE, L.L.C., TO REZONE PROPERTY IN THE VICINITY OF 403 SE 8TH STREET FROM THE R-2A" GENERAL RESIDENTIAL DISTRICT TO A LIMITED "C-3B" CENTRAL BUSINESS MIXED USE DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on February 24, 2014, by Roll Call No. 14-0281, it was duly resolved by the City Council that the application of Raccoon Street Warehouse, L.L.C., represented by Kurt Pagliai, officer, to rezone certain property it owns in the vicinity of 403 SE 8th Street, more fully described below, be set down for hearing on March 10, 2014, 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 February 27, 2014, 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 1, Block 40 of TOWN OF DE MOINE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the R-2A" General Residential District to a Limited "C-3B" Central Business Mixed Use 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 land and structures shall be prohibited on the Property
  1. Assembly and packaging of small components from previously prepared materials.
  2. Auction businesses.
  3. Delayed deposit services businesses, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  4. Lumberyards, retail and wholesale.
  5. Machine shops.
  6. Liquor stores and freestanding package goods stores for the sale of alcoholic beverages.
  7. Pawnbrokers.

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**Date** .....

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- 8. Printing, publishing houses and lithographing shops.
  - 9. Plumbing and heating shops.
  - 10. Miniwarehouse uses.
  - 11. Freestanding taverns and night clubs.
  - 12. Warehousing.
- B. Any development or site modifications shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" District and the Downtown Overlay District.
- C. Provision of wrought iron fencing along the Southeast 8th Street and Raccoon Street frontages for any auto-dominant uses including, but not limited to, a surface parking lot for vehicles.

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-3B" Central Business Mixed Use 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*

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
GATTO				
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



February 13, 2014

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 February 6, 2014, the following action was taken regarding a request from Raccoon Street Warehouse (owner) represented by Kurt Pagliai (officer) to rezone property located at 403 Southeast 8<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	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** of staff recommendation to find the proposed rezoning not in conformance with the Des Moines' 2020 Community Character Plan future land use designation of General Industrial; **APPROVAL** of the request to amend the Des Moines' 2020 Community Character Plan to revise future land use designation from General Industrial to Downtown Support Commercial; and **APPROVAL** of the request to rezone from "R-2A" General Residential District to limited "C-3B" Central Business Mixed Use District, to allow development of accessory off-street parking subject to the following conditions:

(21-2013-4.26 & ZON2013-00202)

1. The following uses shall be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" District and the Downtown Overlay District.
  3. Provision of wrought iron fencing along the Southeast 8<sup>th</sup> Street and Raccoon Street frontages for an auto-dominant uses including, but not limited to, a surface parking lot for vehicles.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan future land use designation of General Industrial.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Downtown Support Commercial.

Part C) Staff recommends the subject property be rezoned to a Limited "C-3B" District subject to the following conditions:

1. The following uses shall be prohibited:
  - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.

2. Any development or site modifications shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” District and the Downtown Overlay District.
3. Provision of wrought iron fencing along the Southeast 8<sup>th</sup> Street and Raccoon Street frontages for an auto-dominant uses including, but not limited to, a surface parking lot for vehicles.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning to “C-3B” District would allow the site to be developed as an off-street parking lot that would serve the property across the street to the north (301 and 309 Southeast 8<sup>th</sup> Street). This property to the north was recently granted a Use Variance for a 10-year period that allows use of the site as a beverage container recycling facility.

The “C-3B” District regulations and design guidelines are intended to establish a lively pedestrian-scaled, urban setting and assure that redevelopment is pedestrian-oriented and compatible with a mixed-use neighborhood. If rezoned to “C-3B” District, any redevelopment or site modifications would require future approval of a Site Plan by the Plan and Zoning Commission in accordance with the “C-3B” Design Guidelines, as well as the design guidelines applicable in the Downtown Overlay District.

2. **Size of Site:** 56 feet by 140 feet (7,840 square feet).
3. **Existing Zoning (site):** “R-2A” General Residential District and “DO” Downtown Overlay District.
4. **Existing Land Use (site):** The site contains a graveled parking lot.
5. **Adjacent Land Use and Zoning:**

**North** – “M-1”; Use is multiple-family residential (River Hills apartments).

**South** – “R-2A”; Use is an undeveloped parcel.

**East** – “R-2A”; Uses include a north/south alley and a single-family dwelling.

**West** – “R-2A”; Uses include Southeast 8<sup>th</sup> Street and a single-family dwelling.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area known as the Market District, which includes a mix of industrial, commercial, and residential uses. The site is located one block north of East Martin Luther King, Jr. Parkway.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 27, 2013 and a Final Agenda on January 10, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on December 30, 2013 (20 days prior to the public hearing)

and on January 6, 2014 (10 days prior to the public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

The applicant is scheduled to hold their required neighborhood meeting on Saturday, January 11, 2014. The applicant will present a summary of the neighborhood meeting at the Plan & Zoning Commission hearing.

8. **Relevant Zoning History:** The “D-O” Downtown Overlay District designation was added to the site on November 7, 2011 by Ordinance No. 15,060.
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 §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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The Des Moines 2020 Community Character Plan Future Land Use Map designates the subject property as General Industrial. Therefore, the appellant requested an amendment to Downtown Support Commercial. The proposed “C-3B” District conforms to the intent of this future land use designation, which is described as follows:

*Downtown Retail /Office Core/Core Fringe: General businesses, retail and service establishments, limited high density residential, mixed use developments, and work centers that support the downtown core providing their own off-street parking.*

In May 2010, the City Council received and filed the “Market District of East Village Urban Design Study, as a guide for future development and redevelopment within the area bounded by East/Southeast 7<sup>th</sup> Street on the east, Scott Avenue on the south, the Des Moines River on the west, and East Walnut Street on the north. The study calls for creating a vibrant pedestrian-oriented mixed-use area by preserving the existing structures and building new residential and commercial structures. While the subject property is located one block to the east of this study area, staff anticipates the revitalization will extend beyond the initial study boundaries given the easterly extension of East Martin Luther King, Jr. Parkway (Southeast Connector). Therefore, staff recommends that the following uses permitted in the “C-3B” District be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
- b. Auction businesses.

- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.
- 2. Parking & Access:** The proposed rezoning to “C-3B” District would allow the site to be developed as an off-street parking lot that would serve the property across the street to the north (301 and 309 Southeast 8<sup>th</sup> Street). Any off-street parking that is constructed must comply with City Code Section 134-1377 and all site plan regulations. This includes provision of a 5-foot paving setback from the north property line adjoining Raccoon Street, a 5-foot paving setback from the west property line adjoining Southeast 8<sup>th</sup> Street, a 5-foot paving setback from the east property line adjoining an alley, and a 10-foot paving setback from the south property line adjoining a property zoned “R-2A” District. Any deviation to these requirements is subject to a zoning appeal as considered by the Zoning Board of Adjustment. Furthermore, any off-street parking that is constructed must comply with the City’s Landscape Standards, which will require provision of perimeter, parkway, open space, and interior lot plantings. These guidelines also require provision of a 7-foot landscaped area along front property lines. As a condition of zoning approval, staff recommends that wrought iron fencing be provided along the Southeast 8<sup>th</sup> Street and Raccoon Street frontages for an auto-dominant uses including, but not limited to, a surface parking lot for vehicles.
- 3. “C-3B” District Design Guidelines:** If rezoned to “C-3B” District, any redevelopment or site modifications would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission. A Site Plan has not been submitted for consideration at this time.
- 4. Downtown Overlay District Design Guidelines:** The site is within the Downtown Overlay District. In acting upon any future site plan application for the site, the Plan and Zoning Commission shall apply the Downtown Overlay District design guidelines. A Site Plan has not been submitted for consideration at this time.

## **SUMMARY OF DISCUSSION**

*There was no discussion.*

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

## **COMMISSION ACTION:**

Ted Irvine moved **APPROVAL** of the staff recommendation to find the proposed rezoning not in conformance with the Des Moines’ 2020 Community Character Plan future land use designation of General Industrial; **APPROVAL** of the request to amend the Des Moines’ 2020

Community Character Plan to revise future land use designation from General Industrial to Downtown Support Commercial; and **APPROVAL** of the request to rezone from "R-2A" General Residential District to limited "C-3B" Central Business Mixed Use District, to allow development of accessory off-street parking subject to the following conditions:

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3. Provision of wrought iron fencing along the Southeast 8<sup>th</sup> Street and Raccoon Street frontages for an auto-dominant uses including, but not limited to, a surface parking lot for vehicles.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

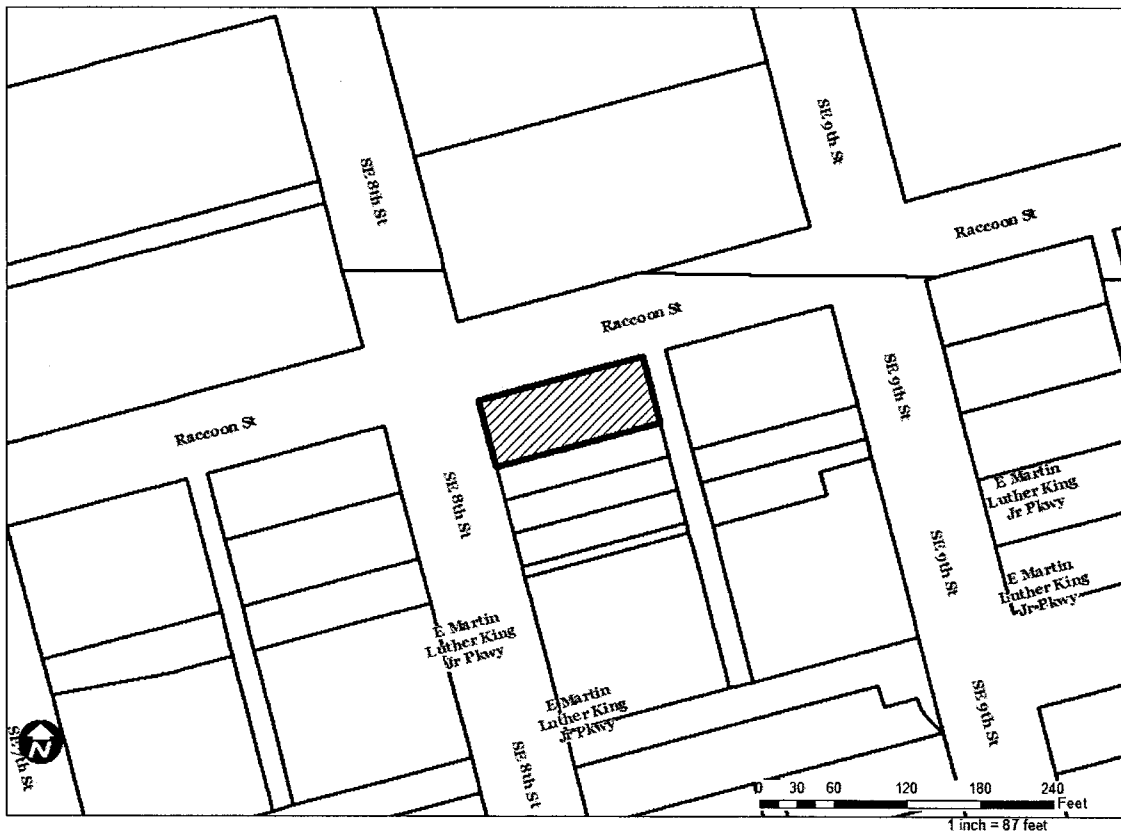
Attachment



Raccoon Street Warehouse (owner) represented by Kurt Pagliai (officer) for property located at 403 Southeast 8th Street.			<b>File #</b> 21-2013-4.26	
<b>Description of Action</b>	Approval of request to amend the Des Moines' 2020 Community Character Plan future land use designation from General Industrial to Downtown Support Commercial.			
<b>2020 Community Character Plan</b>	General Industrial (current). Downtown Support Commercial (proposed).			
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"R-2A" General Residential District.			
<b>Proposed Zoning District</b>	"C-3B" Central Business Mixed-Use 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	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No X

Raccoon Street Warehouse, 403 Southeast 8th Street

21-2013-4.26



Raccoon Street Warehouse (owner) represented by Kurt Pagliai (officer) for property located at 403 Southeast 8th Street.			File # <b>ZON2013-00202</b>	
<b>Description of Action</b>	Approval of request to rezone from "R-2A" General Residential District to limited "C-3B" Central Business Mixed Use District, to allow development of accessory off-street parking subject to conditions.			
<b>2020 Community Character Plan</b>	General Industrial (current). Downtown Support Commercial (proposed).			
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"R-2A" General Residential District.			
<b>Proposed Zoning District</b>	"C-3B" Central Business Mixed-Use 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	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Raccoon Street Warehouse, 403 Southeast 8th Street

ZON2013-00202

