



Date April 21, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM ST INVESTMENTS, LLC (OWNER), REPRESENTED BY TOM HOWARD (OFFICER) TO REZONE PROPERTY LOCATED AT 200 SE 6th STREET FROM LIMITED "C-3B" CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT TO LIMITED "C-3" CENTRAL BUSINESS MIXED-USE DISTRICT TO ALLOW A RENTAL CAR DISPLAY LOT USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2014, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from ST Investments, LLC (owner) represented by Tom Howard (officer) to rezone property located at 200 SE 6th Street from a Limited "C-3B" Central Business District Commercial District to a Limited "C-3" Central Business Mixed-Use District to allow a rental car display lot use, subject to the following conditions:

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. As use as permitted in the "C-3B" District, except the following:
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, including but not limited to delayed deposit service businesses.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Liquor stores, also known as freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawn broker businesses.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
4. The density of any future residential development shall be established in the site plan review process.



Date April 21, 2014

5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
7. In the event the adjoining segment of vacated Market Street is improved and dedicated as a public street, the owner of the Property shall be responsible for installing the parking plantings and perimeter landscaping along that segment of Market Street in conformance with the site plan standards.

WHEREAS, the subject property is more specifically described as follows:

The North 136.5 feet of the South 273 feet of Market Square in TOWN OF DE MOINE, an Official Plat, 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 May 5, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

(continued)



Roll Call Number

Agenda Item Number

27

Date April 21, 2014

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MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney

(ZON2014-00039)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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 April 21, 2014

Agenda Item 27

Roll Call



April 15, 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 April 3, 2014, the following action was taken regarding a request from. ST Investments, LLC (owner) represented by Tom Howard (officer) to rezone property located at 200 Southeast 6th Street from Limited "C-3B" Central Business District Commercial District to Limited "C-3" Central Business Mixed-Use District.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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 in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial and Approval of staff recommendation to rezone the property to a Limited "C-3" District, subject to the following conditions: (ZON2014-00039)

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.

- b. As use as permitted in the “C-3B” District, except the following
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawnshops.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” and Downtown Overlay Districts.
3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
4. The density of any future residential development shall be dependent upon Site Plan review.
5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
7. Any future redevelopment of the site in a manner that utilizes East Market Street would require the developer to be responsible for the costs associated with improvements within the adjoining public right-of-way.

And approval of the Site Plan under Design Guidelines for Vehicle Display Lots subject to the following conditions:

1. Compliance with all requirements of the City’s Permit and Development Center.
2. The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.

3. The Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display.
4. The Site Plan must state that all drive aisles, parking spaces, and display areas will be clearly delineated in the field.
5. The design of the building shall be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.
6. The Site Plan shall comply with the City's Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
7. A 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an "urban edge".
8. All pole mounted lighting in the parking lot be a maximum of 20 feet in height.
9. All private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial.

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

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. As use as permitted in the "C-3B" District, except the following
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawnshops.
 - viii. Printing, publishing houses and lithographing shops.

- ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
 3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
 4. The density of any future residential development shall be dependent upon Site Plan review.
 5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
 6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
 7. Any future redevelopment of the site in a manner that utilizes East Market Street would require the developer to be responsible for the costs associated with improvements within the adjoining public right-of-way.

Part C) Staff recommends approval of the Site Plan under Design Guidelines for Vehicle Display Lots subject to the following conditions:

1. Compliance with all requirements of the City's Permit and Development Center.
2. The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.
3. The Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display.
4. The Site Plan must state that all drive aisles, parking spaces, and display areas will be clearly delineated in the field.
5. The design of the building shall be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.

6. The Site Plan shall comply with the City's Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
7. A 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an "urban edge".
8. All pole mounted lighting in the parking lot be a maximum of 20 feet in height.
9. All private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning and Site Plan would allow development of the property for a rental car display lot for Enterprise Rent-A-Car. The proposed use would utilize the existing structure and expand the existing paved off-street parking lot.

In 2013, the subject property was rezoned from "M-1" Light Industrial District to Limited "C-3B" Central Business Mixed Use District classification to allow a multiple-family residential development upon the site. The development proposed at that time never materialized and the property owner is now considering the rental car display lot use. The "C-3B" District prohibits display lots, which is why the applicant is seeking a rezoning to "C-3" Central Business District Commercial District.

The subject property is located in an area between the East Village and the East Martin Luther King, Jr. Parkway, which is commonly referred to as the Market District. This area currently contains a mix of industrial and commercial uses, including the City of Des Moines' Public Works facility, Alter scrap metal processing, and Recycling, Inc. It is expected that, over time, this area will convert to a mix of office, retail and residential uses pursuant to the Market District of East Village Urban Design Plan.

Therefore, staff recommends that any rezoning to "C-3" District include a condition that development upon the property be in accordance with the "C-3B" Design Guidelines, which are intended to establish a lively pedestrian-scaled, urban setting and assure that redevelopment is pedestrian-oriented and compatible with a mixed-use neighborhood.

- 2. Relevant Zoning History:** On February 11, 2013, the City Council adopted Ordinance 15,166 to rezone the subject property and the property adjacent to the south at 220 Southeast 6th Street from “M-1” Light Industrial District to Limited “C-3B” Central Business Mixed Use District classification, 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) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
 - (3) The density of any residential development shall be dependent upon Site Plan review.
 - (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
 - (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.
 - (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.
 - (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.
- 3. Size of Site:** 43,407 square feet (0.99 acres).
- 4. Existing Zoning (site):** Limited “C-3B” Central Business Mixed Use District, “DO” Downtown Overlay District, “CDO” Capitol Dominance Overlay District, and “GGP” Gambling Games Prohibition District..
- 5. Existing Land Use (site):** The parcels contains a 2,400-square foot commercial building and a paved off-street parking lot that generally measures 60 feet by 75 feet (4,500 square feet). The balance of the site is undeveloped.

6. Adjacent Land Use and Zoning:

North – “M-1”; Uses are vacated East Market Street right-of-way now used as parking for the City’s Public Works Department and a fueling station for the City’s vehicles.

South – “C-3B”; Use is an undeveloped parcel (220 Southeast 6th Street).

East – “M-2”; Uses include recently improved Southeast 6th Street and Recycling Inc’s office and industrial facility.

West – “M-1”; Uses are Southeast 5th Street and the City’s Public Works’ Public Works facility.

7. **General Neighborhood/Area Land Uses:** The surrounding area generally contains a mix of industrial and commercial uses.

8. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 14, 2014. A Final Agenda was mailed to the neighborhood association on March 28, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on March 14, 2014 (20 days prior to the hearing) and March 24, 2014 (10 days prior to the 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 held their required neighborhood meeting on February 17, 2014 and can provide a summary of this meeting at the public hearing. The Historic East Village Neighborhood Association has submitted a letter in support of this request.

9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

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.

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

