



Date July 28, 2014

**RESOLUTION AMENDING THE DES MOINES 2020
COMMUNITY CHARACTER LAND USE 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 July 17, 2014, the members voted 10-0-1 to recommend APPROVAL of a request from Hansen Real Estate Services, Inc., represented by Troy Hansen (officer) and on behalf of itself and its successor entity Eagle View Lofts LLC (purchaser), to amend the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Park/Open Space, General Industrial, and Low/Medium Density Residential to Downtown Support Commercial for property located in the vicinity of 714 Southeast 6th Street, as more specifically shown on the accompanying map.

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, as described above, is hereby approved.

MOVED by _____ to adopt and approve the proposed amendment.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

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



July 23, 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 July 17, 2014, the following action was taken regarding a request from Hansen Real Estate (purchaser) represented by Troy Hansen (officer) to rezone approximately four (4) acres of City of Des Moines and Wastewater Reclamation Authority owned property located in the vicinity 714 Southeast 6th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 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 is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designation of High Density Residential; approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Park/Open Space, General Industrial, and Low/Medium Density Residential to Downtown Support

Commercial and approval of the subject property be rezoned from “R1-60” One-Family Low-Density District and “M-1” Light Industrial District to “D-R” Downtown Riverfront District. (21-2014-4.07 & ZON2014-000117)

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 High Density Residential.

Part B) Staff recommends approval of an amendment to the Des Moines’ 2020 Community Character Plan to revise the future land use designation from Park/Open Space, General Industrial, and Low/Medium Density Residential to Downtown Support Commercial.

Part C) Staff recommends the subject property be rezoned from “R1-60” One-Family Low-Density District and “M-1” Light Industrial District to “D-R” Downtown Riverfront District.

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow the existing tree service business to have outdoor storage on the portion (13,200 square feet) of their property that is currently zoned “R1-60” One-Family Low-Density Residential District. The appellant proposes to use this area for outdoor storage since a portion (29,188 square feet) of the previously existing storage yard was acquired by the City and dedicated as right-of-way for the future Southeast Connector (East Martin Luther King, Jr. Parkway) roadway.
2. **Size of Site:** The portion of the subject property proposed for rezoning measures 100 feet by 132 feet (13,200 square feet).
3. **Existing Zoning (site):** “R1-60” One Family Low-Density Residential District.
4. **Existing Land Use (site):** The portion of the subject property that is proposed for rezoning is undeveloped land. The balance of the 2.32-acre parcel is zoned “M-1” Light Industrial District and used for a tree service contractor storage yard.
5. **Adjacent Land Use and Zoning:**
 - North** – “M-1”, Use is John’s Tree Service (a tree service contractor equipment storage yard with outdoor storage of wood).
 - East** – “M-1”, Use is John’s Tree Service (a tree service contractor equipment storage yard with outdoor storage of wood).
 - South** – “R1-60”, Use is an undeveloped parcel.

West – “R1-60”, Use is an undeveloped parcel.

6. **General Neighborhood/Area Land Uses:** The subject property is in an area that transitions from industrial uses along Southeast 30th Street to low-density residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood or within 250 feet of a recognized neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on Jul 7 1, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on June 27, 2014 (20 days prior) and July 7, 2014 (10 days prior to the scheduled hearing) 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 July 11, 2014.

The applicant is responsible for conducting a neighborhood meeting, inviting surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** On June 23, 1997, the City Council adopted Ordinance 13,499 to rezone the portion of the subject property that currently contains the tree service business to “M-1” Light Industrial District, subject to the following conditions:
 - A. The only Industrial or Commercial use of the Property shall be for use by a tree service business.
 - B. The only vehicle access to any building upon Lots 1 through 7 of Block 20, Larison Place, shall be from the East, and there shall be no direct vehicular access from any such building to Southeast 28th Street.
 - C. No outside storage of any equipment, wood or other materials shall occur on Lots 1 through 7 of Block 20 of Larison Place.
 - D. Any driveways and exterior parking area upon Lots 1 through 7 of Block 20 of Larison Place shall be paved.

On July 15, 1997, the City Administratively approved a Site Plan (10-1998-7.09) that allowed construction of a 2,400-square foot addition to a previously existing 700-square foot building.

9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
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 INFORMATION

- 1. 2020 Community Character Plan:** The proposed “M-1” District requires the future land use designation to be revised to General Industrial. Staff believes this designation is appropriate so long as any industrial use of the property is limited to a tree service business and given that the balance of the block is already designated as General Industrial.
- 2. Site Plan Requirements:** Any expansion of the use on the subject property must be in accordance with a Site Plan as approved by the City’s Permit & Development Center. All drive aisles and maneuvering areas within the expansion area shall be paved and all storage areas shall have a durable and dust-free surface. Any outdoor storage within the expansion area shall be screened from view from public Right-of-Way.
- 3. Setback Requirements:** Should the site be rezoned to “M-1” Light Industrial District, any outdoor storage in the expansion area must be located outside of the minimum 25-foot front yard setbacks required along both Maury Street and East 28th Street, unless the City’s Zoning Board of Adjustment grants an appeal of this requirement.
- 4. Southeast Connector:** The subject property has approximately 720 lineal feet of frontage along the future Southeast Connector roadway. In 2013, the City purchased 29,188 square feet of their site for the Southeast Connector roadway project. The City also purchased an easement on the north 10 feet of the remaining parcel to allow construction of a 4-foot tall retaining wall along the Southeast Connector, as the roadway will be elevated 4 feet above the adjoining property.

As a trade-off for the requested rezoning to allow expansion of the outdoor storage area, Staff recommends that the applicant either plant a row of evergreen trees spaced every 10 feet or construct a 6-foot tall solid wood fence along the north edge of the existing storage yard in order to screen the outdoor storage from the future roadway. While the existing storage yard is considered legal nonconforming with regards to the minimum required 25-foot front yard setback along the future roadway, any new fence constructed would be required to maintain a 25-foot setback unless the City’s Zoning Board of Adjustment grants a Variance to this requirement.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John “Jack” Hilmes moved staff recommendation to find the proposed rezoning not in conformance with the Des Moines’ 2020 Community Character Plan future land use designation of High Density Residential; approval of an amendment to the Des Moines’ 2020 Community Character Plan to revise the future land use designation from Park/Open Space, General Industrial, and Low/Medium Density Residential to Downtown Support

Commercial; and approval of the subject property be rezoned from "R1-60" One-Family Low-Density District and "M-1" Light Industrial District to "D-R" Downtown Riverfront District.

Motion passed 10-0-1 (Greg Wattier abstained).

Respectfully submitted,



Erik Lundy, AICP
Senior City Planner

EML:clw

Attachment

44A

Request from Eagle View Lofts, LLC (purchaser) represented by Troy Hansen (officer) property located in the vicinity 714 Southeast 6th Street. The subject property is owned by the City of Des Moines and the Wastewater Reclamation Authority (WRA).		File # ZON2014-00117		
Description of Action	Approval to Rezone from "R1-60" One-Family Low-Density District and "M-1" Light Industrial District to "D-R" Downtown Riverfront District, to allow the subject property to be developed with up to a six story, 132 unit multiple-family dwelling.			
2020 Community Character Plan	Park/Open Space, General Industrial, and Low/Medium Density Residential (current). Downtown Support Commercial (proposed).			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density District and "M-1" Light Industrial District.			
Proposed Zoning District	"D-R" Downtown Riverfront District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No X



44A

Request from Eagle View Lofts, LLC (purchaser) represented by Troy Hansen (officer) property located in the vicinity 714 Southeast 6th Street. The subject property is owned by the City of Des Moines and the Wastewater Reclamation Authority (WRA).		File # 21-2014-4.07		
Description of Action	Approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Park/Open Space, General Industrial			
2020 Community Character Plan	Park/Open Space, General Industrial, and Low/Medium Density Residential (current). Downtown Support Commercial (proposed).			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density District and "M-1" Light Industrial District.			
Proposed Zoning District	"D-R" Downtown Riverfront District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

Eagle View Lofts, LLC, Vicinity of 714 Southeast 6th Street

21-2014-4.07



Updated on: 7/9/2014

1 inch = 143 feet

Item ZON2014-00117

Date 7-10-14 **WPA**

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

RECEIVED
COMMUNITY DEVELOPMENT

ARTISTIC IRON PROP

JUL 14 2014

Print Name LOUIS RIZZUTI

Signature *Louis Rizzuti*

DEPARTMENT

Address 1519 SE 4th St

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

Item ZON2014-00117

Date 7/10/14

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

RECEIVED
COMMUNITY DEVELOPMENT

Applicant

WRA DIRECTOR

JUL 11 2014

Print Name DAVID L. MILLER

Signature *David L. Miller*

DEPARTMENT

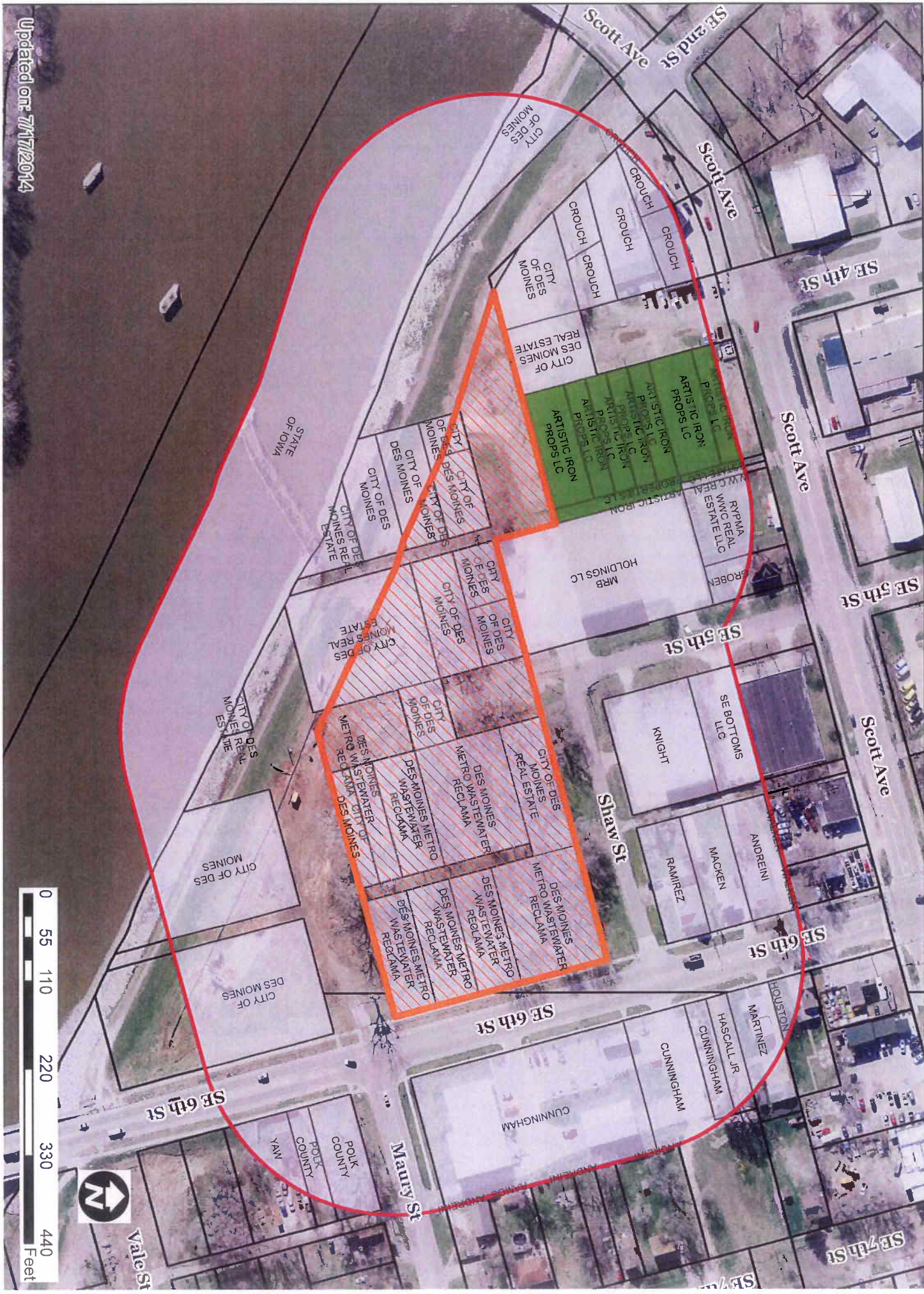
Address 3000 VANDALIA RD; WRA; DM, IA

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

44A

Eagle View Lofts, LLC, Vicinity of 714 Southeast 6th Street

ZON2014-00117



Updated on: 7/17/2014

