



45

Date March 23, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM
PYRAMID INVESTMENTS, LLC (OWNER) TO REZONE PROPERTY LOCATED AT
1300 ARMY POST ROAD FROM "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED
COMMERCIAL DISTRICT AND "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT
TO LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT**

WHEREAS, on March 9, 2015, by Roll Call No. 15-0386, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 19, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Pyramid Investments, LLC (owner), represented by Jeff Ratashak (officer), to rezone real property located at 1300 Army Post Road ("Property") from "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District, to allow permitted uses in the "C-2" District and a contractor's equipment storage yard use only, with conversion of the existing vacant print shop to a contractor's business with offices, shop and indoor/outdoor storage of equipment and materials, subject to the owner agreeing to the following conditions:

1. The only uses of the Property shall be those permitted in the "C-2" District and contractor's storage yard;
2. The following additional uses shall be prohibited:
 - a) Adult entertainment businesses;
 - b) Automobile establishments for display, hire, rental, and sales;
 - c) Delayed deposit services;
 - d) Liquor stores or other businesses selling packaged alcoholic liquor;
 - e) Off-premises advertising signs;
 - f) Pawn brokerages; and
 - g) Taverns and nightclubs;
3. Any contractor's storage yard shall be limited to the area directly south of the existing building on the Property;
4. Any reuse of the Property for a contractor's storage yard shall be in conformance with a Site Plan approved by the Permit and Development Center in accordance with requirements for contractor's storage yards, including adequate screen fencing of a height sufficient to fully screen any equipment or vehicles stored on the Property;
5. Conformance with landscape standards as applicable in "C-2" Districts is required prior to use of the Property for a contractor's storage yard;
6. Buildings on the Property shall be prohibited from having predominately metal exteriors; and
7. Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street, in accordance with Traffic Engineering requirements as part of an approved Site Plan; and

WHEREAS, on March 9, 2015, by Roll Call No. 15-0386, it was duly resolved by the City Council that the application of Pyramid Investments, LLC (owner) to rezone the Property, as legally described below, be set down for hearing on March 23, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

Date March 23, 2015

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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 Property locally known as 1300 Army Post Road, legally described as:

Lots 7 through 10 (except the North 10 feet thereof), and Lot 11 (except the North 10 feet thereof and except the West 30 feet thereof), and the North 34 feet of Lot 33, and Lot 34 (except the South 125 feet of the West 15 feet thereof and except the South 50 feet of the East 35 feet thereof), all in David McKee Place, an Official Plat, all now included and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all covenants, easements, and restrictions of record.

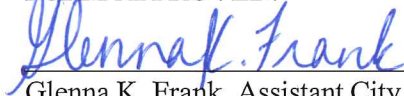
from "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow permitted uses in the "C-2" District and a contractor's equipment storage yard use only, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "M-1" Light Industrial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "M-1" Light Industrial District with conditions as set forth above is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2015-00002)

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

MOTION CARRIED

APPROVED

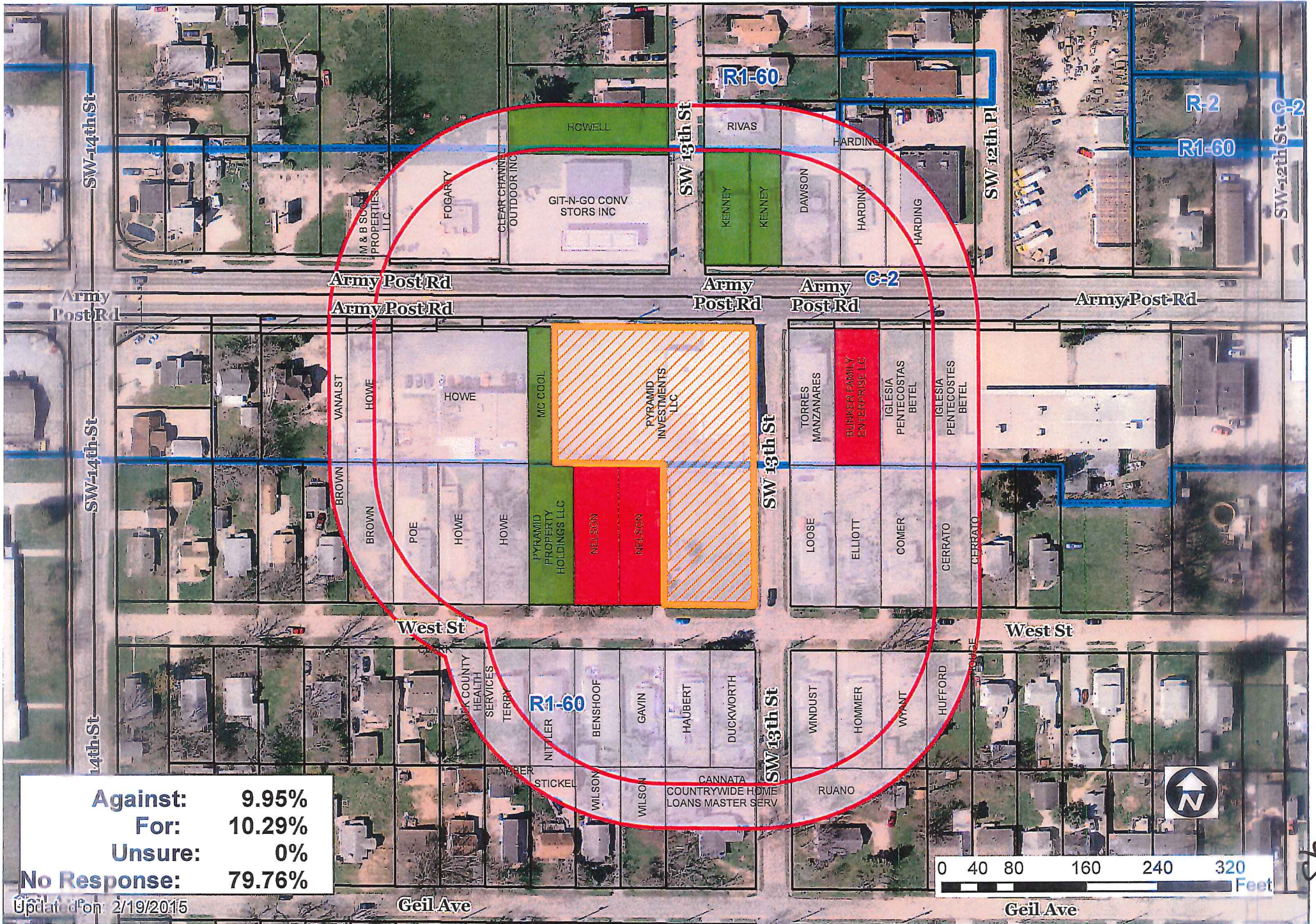
Mayor

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.

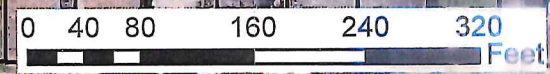
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



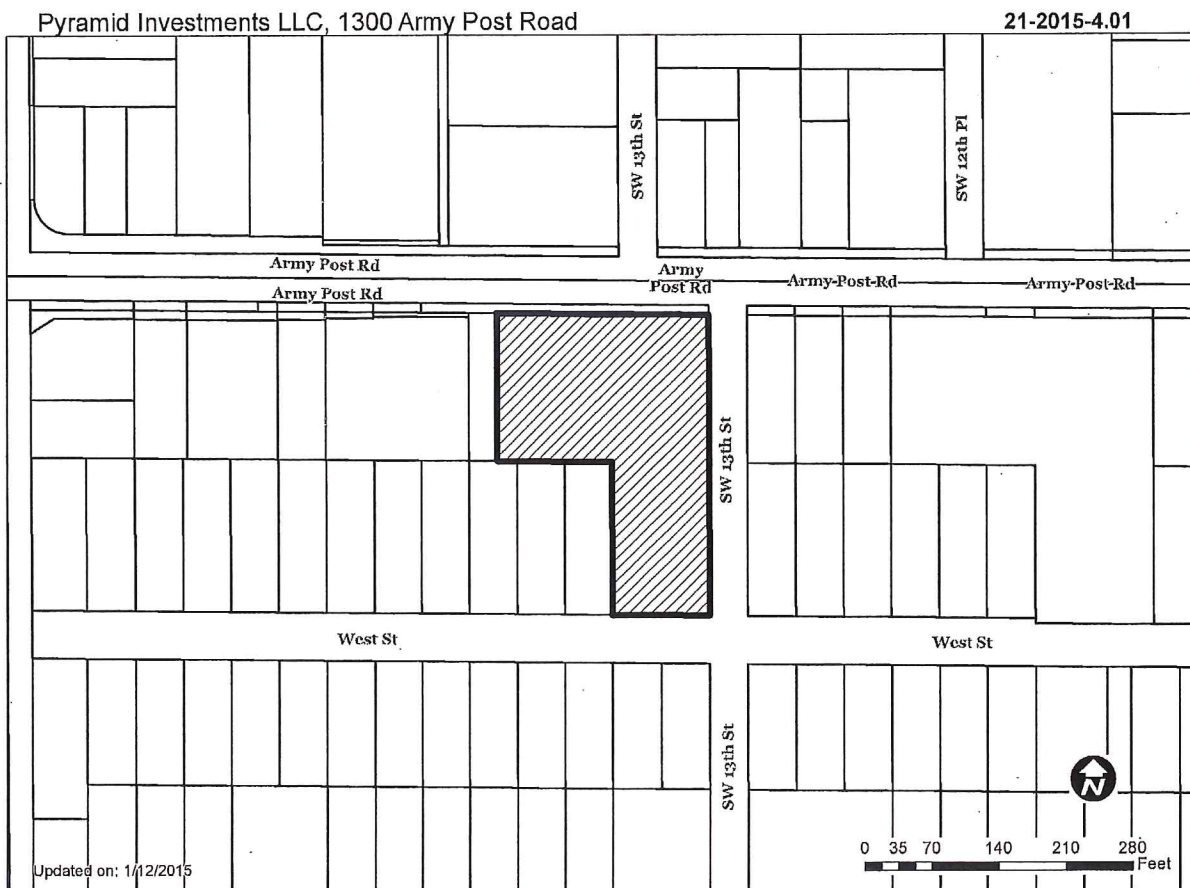
Against:	9.95%
For:	10.29%
Unsure:	0%
No Response:	79.76%

Updated on: 2/19/2015



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Pyramid Investments, LLC (owner) represented by Jeff Ratashak (officer) for property located at 1300 Army Post Road		File # 21-2015-4.01		
Description of Action	Denial of the request to amend the Des Moines' 2020 Community Character Plan existing future land use designation from Commercial: Auto-Oriented, Small-Scale Strip Development and Low-Density Residential to General Industrial.			
2020 Community Character Plan	Current: Commercial: Auto-Oriented, Small-Scale Strip Development and Low-Density Residential. Proposed: General Industrial.			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	Limited "M-1" Light Industrial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	4	2		
Outside Area				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial	10-0		No



1 Inch = 118 feet



March 2, 2015

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 19, 2015, the following action was taken regarding a request from Pyramid Investments, LLC (owner) represented by Jeff Ratashak (officer) to rezone property located at 1300 Army Post Road.

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			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
William Page	X			
Jonathan Rosenbloom				X
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier				X

APPROVAL of staff recommendation that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan, **DENIAL** of the requested future land use amendment to General Industrial. Industrial development should be focused in the areas the City has already designated for those types of uses. Industrial uses typically create higher levels of noise, sound and visual impacts on adjoining areas than commercial development and require greater separation from residential uses. The adjoining portion of Army Post Road is designated for commercial development to support the residential uses in the area and **APPROVAL** of rezoning to a Limited "M-1" Light

Industrial District for reduced portion of the subject property that would exclude the south 125 feet of the west 65 feet, and the east 35 feet of the south 50 feet of the portion that is zoned "R1-60"; subject to the owner agreeing to the following conditions:

(21-2015-4.01 & ZON2015-0002)

1. The only uses of the property shall be those permitted in the "C-2" District and contractor's storage yard
2. The following additional uses shall be prohibited:
 - a) Adult entertainment businesses
 - b) Automobile establishments for display, hire, rental, and sales
 - c) Delayed deposit services
 - d) Liquor stores or other businesses selling packaged alcoholic liquor
 - e) Off-premises advertising signs
 - f) Pawn brokerages
 - g) Taverns and nightclubs
3. Any contractor's storage yard shall be limited to area directly south of the existing building.
4. Any reuse of the property for a contractor's storage yard shall be in conformance with a Site Plan approved by the Permit and Development Center in accordance with requirements for contractor's storage yards, including adequate screen fencing of a height to screen the height of any stored equipment or vehicles.
5. Conformance with landscape standards as applicable in "C-2" Districts.
6. Prohibit any building with a predominately metal exterior.
7. Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street in accordance with Traffic Engineering requirements as part of an approved Site Plan.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find that a rezoning to a Limited "M-1" District be found in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends denial of the requested land use amendment to General Industrial. Industrial development should be focused in the areas the City has already designated for those types of uses. Industrial uses typically create higher levels of noise, sound and visual impacts on adjoining areas than commercial development and require greater separation from residential uses. The adjoining portion of Army Post Road is designated for commercial development to support the residential uses in the area.

Part C) Staff recommends approval of rezoning to a Limited "M-1" Light Industrial District for reduced portion of the subject property that would exclude the south 125 feet of the west 65 feet, and the east 35 feet of the south 50 feet of the portion that is zoned "R1-60"; subject to the owner agreeing to the following conditions:

1. The only uses of the property shall be those permitted in the "C-2" District and contractor's storage yard
2. The following additional uses shall be prohibited:
 - a) Adult entertainment businesses
 - b) Automobile establishments for display, hire, rental, and sales
 - c) Delayed deposit services

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 5. Conformance with landscape standards as applicable in "C-2" Districts.
 6. Prohibit any building with a predominately metal exterior.
 7. Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street in accordance with Traffic Engineering requirements as part of an approved Site Plan.

Written Responses

- 4 In Favor
- 2 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to reuse the vacant print shop property for a contractor's business with outdoor storage of equipment and materials. The "C-2" District would allow for the contractor office and shop uses, but would not allow the outdoor storage of equipment and materials.
2. **Size of Site:** 49,780 square feet or 1.143 acres.
3. **Existing Zoning (site):** The subject property is split-zoned. The northern portion of the site is zoned "C-2" General Retail and Highway-Oriented Commercial District. The southern portion of the site is zoned "R1-60" One-Family Low-Density Residential District. The subject property is also subject to the "FSO" Freestanding Sign Overlay District.

The property has been out of continuous use for a period of over a year as determined by the Zoning Enforcement Officer. Therefore it has lost its legal non-conforming rights to existing setbacks for off-street parking lot from the front property lines along Army Post Road and Southwest 3th Street, and setbacks from the "R" District property lines to the south. In addition, it has lost previous legal non-conforming rights to providing no screening from the "R" District property to the south. There is also non-conforming paved parking and loading area within the "R1-60" District zoned portion of the property that has lost legal rights for setbacks and use.

The existing structure maintains its legal non-conforming rights for encroachment into the required minimum 25-foot front yard setbacks from Army Post Road and Southwest 13th Street.

4. **Existing Land Use (site):** The subject property contains a 10,140-square foot commercial building, large paved surface parking lot, a loading dock area, and vacant land. The commercially zoned area contains the building, the parking lot and a portion of the loading dock area. The north portion of the "R1-60" zoned property contains some of the off-street parking pavement and maneuvering for the loading dock. The balance of the "R1-60" area consists of vacant turf area.

Since the original grocery store use of the premises, some paved parking area has been removed over time from the residentially zoned portion of subject property. The loading dock maneuvering paving has been left in place with a make-shift curb drop along Southwest 13th Street that has been used to provide a drive access for trucks accessing the dock. There is not a record of a drive approach permit or Site Plan that would have allowed this as a legitimate drive approach access.

5. **Adjacent Land Use and Zoning:**

North – "C-2", Uses are a Git N' Go gas station/convenience store and a single-family dwelling.

South - "R1-60", Uses are single-family dwellings.

East – "C-2" and "R1-60", Uses are single-family dwellings.

West – "C-2" and "R1-60", Uses are a vacant paved parcel, single-family dwellings, and a mixed-use building with an insurance office, a laundrette, and two residential dwelling units.

6. **General Neighborhood/Area Land Uses:** The subject property is within an area that transitions from a major commercial corridor along Army Post Road to the single-family residential neighborhood to the south.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within 250 feet of the Watrous South Neighborhood. This neighborhood was notified of the original public hearing by mailing of the Preliminary Agenda to all recognized neighborhood on January 9, 2015. Additionally, separate notifications of the original hearing for this specific item were mailed on January 16, 2015 (20 days prior) and January 26, 2015 (10 days prior to the original scheduled hearing) to the 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 person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Watrous South Neighborhood Association mailings were sent to James Spiller, P.O. Box 35845, Des Moines, IA 50315. A Final Agenda for the meeting to which the hearing was continued was mailed to all the recognized neighborhood associations on February 13, 2015.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development and Low-Density Residential. The Plan designates Army Post Road as a Gateway corridor.

10. 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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Features:** The southern portion of the property has existing green space. There are not any mature trees within the subject property.
- 2. Drainage/Grading:** Unless the applicant or their successor would provide replacement paving or new building area in an aggregate amount over 10,000 square feet, no storm water management measures would be required as part of any Site Plan. Any drainage collected would be required to be piped to the public storm sewer in Army Post Road or West Street. It is anticipated that the applicant will actually be required to reduce the existing paved areas under the Site Plan requirements, improving an existing condition which does not provide storm water management.
- 3. Landscaping:** The property has been vacant for over a year and has lost its legal non-conforming rights to zero setback for parking lot pavement from the front property lines along Army Post Road and Southwest 13th Street. In addition, it has lost rights to providing no screening from adjoining residentially zoned property and for use of the paved maneuvering area for the loading dock that extends into the "R1-60" District.

Any Site Plan must conform to current landscaping standards. The City's Landscaping Standards for the "C-2" District require the following.

- *Open Space* equal to 20% of the site with one (1) overstory tree, one (1) evergreen tree and one (1) shrub per 2,500 square feet of required open space.
 - *Bufferyard* with a minimum width of 10 feet with a 6-foot tall opaque fence/screen, and four (4) overstory trees and eight (8) evergreen trees per 100 lineal feet. Contractor storage yard areas would be required to maintain a 25-foot setback from any "R" District property line.
 - *Perimeter Lot Planting Area* with one (1) overstory tree and three (3) shrubs per 50 lineal feet.
- 4. Parking/Loading:** The Zoning Ordinance requires a minimum of one space per 400 square feet of office and three off-street parking spaces plus one space per employee for plumbing shops and other similar uses. There appears to be adequate space onsite for parking. This would need to be evaluated during the Site Plan review process and spaces would need to be clearly identified onsite.

The existing building has a loading dock on the southeast corner of the building. Previous use of the property had improperly accessed loading for that dock through a make-shift access approach. Current Traffic Engineering requirements will require that commercial drive entrances be limited to a maximum of 30 feet in width. Additionally

backing for truck maneuvering entering or exiting the dock must occur on private property and not within Southwest 13th Street. This may necessitate two access drives to achieve, based on the location of the loading dock. Traffic requirements also require a minimum of 35 feet between commercial drive approaches for one-way circulation and 60 feet for two-way circulation. A commercial drive approach must be a minimum of 20 feet measured from the radius of a street intersection. Staff anticipates a second commercial drive entrance will be necessary to meet these traffic requirements.

- 5. Permit and Development Center Comments:** Any reuse of the property from this point forward, regardless of approval of the requested rezoning, will require an administrative Site Plan review by the Permit and Development Center. This is to show compliance with existing commercial off-street parking and storage yard setbacks, screening, and dimensions as well as landscaping standards.

A Building Code review by the Permit and Development Center will also be required to ensure the intended occupancy of the previous print shop does not trigger a change in occupancy type. The site must be brought into conformance with an approved Site Plan before a final Certificate of Zoning Compliance can be issued. The applicant also will have the right to seek relief of non-conforming setback and screening requirements from the Zoning Board of Adjustment.

- 6. Contractor's Equipment Storage Yard Requirements:** The "M-1" District regulations provide for requirements for contractor's equipment storage yards per Section 134-1087(4) of the Zoning Ordinance as follows:

- (a) *All areas used for outside storage shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the city engineer;*
- (b) *All areas used for outside parking of vehicles shall be set back 10 feet and screened by a 6 foot high solid opaque fence from any adjoining R district or portion of a PUD district designated for residential use; shall be set back 5 feet from any adjoining streets and alleys; and, shall be maintained with both a dustless surface and a drainage system approved by the city engineer, unless a higher standard is imposed by the site plan regulations in Chapter 82.*
- (c) *All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces 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) *No outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by section 134-3.*

Section (a) is applicable to the storage areas which would not be allowed in any of the 25-foot front, side, or rear setbacks required by Section 134-1090. Section (a) does allow the City Engineer the discretion of approving a durable and dustless surface for the storage areas. This has routinely been approved on Site Plans as a recycled asphalt material.

The applicant will have the option of seeking Zoning Board of Adjustment relief for any setback for the proposed storage areas that they do not intend to meet. Based on the proposed layout provided by the applicant, it would be likely that the 25-foot side and rear setbacks for storage to an "R" District property line and 25-feet of front yard setback would be appealed along with allowance for a required 6-foot screen fence for storage within the 25-foot front yard setback. Also and appeal would be expected for the required 5-foot setback for the loading maneuvering from Southwest 13th Street.

- 7. 2020 Community Character Plan:** The proposed rezoning to an unlimited "M-1" District is not compatible with the Commercial: Auto-Oriented Community Commercial or Low-Density Residential future land use designations. An amendment to the General Industrial designation has been requested. The only component of the proposed use of the property driving the industrial zoning is the contractor's storage yard. Staff believes that if the rezoning of the property would be restricted to the area currently developed and limit permitted use of the property to "C-2" District permitted uses plus a contractor's storage yard, the rezoning would conform with the existing future land use designations.

The subject property is also identified as Gateway Corridor in the Plan. The "FSO" District will require any freestanding signs to be a monument type sign which is in furtherance of that Character Plan provision. There are not any existing pole signs on the property. The Gateway Corridors are also called on to encourage continuity and visual interest along the corridor, along with compatibility of materials and scale and relation of buildings to the street. It indicates that metal buildings should not be allowed. Staff believes that the continuity can be achieved by applying the same landscaping requirements as are applicable to "C-2" Districts. Staff further believes that no contractor's storage yard should be up against the corridor. Therefore, it should be limited to area directly south of the building. Additionally the applicant has indicated improvements to the building facades that are more compatible to the corridor.

If the rezoning would be denied by the City Council, the applicant has the ability to request a Use Variance from the Zoning Board of Adjustment. Use Variance requests cannot be considered by the Board until after a rezoning has been denied. A Use Variance would be necessary for both outdoor storage and the use of the loading maneuvering area that extends into the "R1-60" portion of the site.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

John "Jack" Hilmes asked if staff had any overlays or line drawings that would show the excluded portion that was referenced in Part C of the staff recommendation.

Erik Lundy showed a sketch stated the excluded size is still large enough to accommodate a single family house.

JoAnne Corigliano stated she do not think a truck will be able to maneuver without exiting through the residential neighborhood. She believes it would be a big problem if the trucks cannot head north on SW 13th off of this property.

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Erik Lundy stated it may be a tough maneuver to head north from the site. However, we do not want them to back to the street into oncoming traffic. They will have to leave through the south and get out a block east or west depending upon which direction they are going. He stated the code allows for trucks to use the most direct route to get back to the truck route.

Jeff Ratashak 1300 Army Post Road stated his business has been in existence since 2009. They have slowly grown into the largest EIFS (Exterior Insulation and Finish System) business in Des Moines. That gave him the need for a larger building so they purchased this building. The reason for the rezoning is for the use of the high dock and for the use of the back area for outside storage of job trailers. The current building has been unoccupied for more than a year and appears to be the original architecture. He is proposing to use the building itself as a showroom for the different things they can do with EIFS. He showed elevation renderings of what they are proposing for the building in the next year or two. He believes that the proposal will give the building the most current look of any building along Army Post Road in that area. He was in agreement with staff recommendation, but would also like to a variance to continue to access along the area where the semis would come in and out. Currently it functions. He can get in and out without a problem and travel southbound on SW 13th. But a full 53 feet semi could back into the dock and pull out forward. One of the concerns one of the neighbors expressed to him was that if the undeveloped part was left unchanged they would be okay with the rezoning. However, his concern now would be if they would be required to put a fence along the middle of an open field.

Dory Briles asked how often the semis would come in and out of that area.

Jeff Ratashak stated maybe once a month.

Will Page asked what the flow of the trucks is when they come in to dock.

Jeff Ratashak stated the semis would come down SW 13th pull in forward then back into the dock leaving enough room to pull straight out. He was not opposed to re-curbng or whatever needs to be done.

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

JoAnne Corigliano was concerned about semis going through the small neighborhood streets. She loves the design and she was happy someone is doing something with the building.

Jeff Ratashak stated they have used the building that way for many years and to his knowledge there has not been any issues.

John "Jack" Hilmes asked has staff consulted with Traffic and Transportation.

Erik Lundy stated yes staff has consulted with Traffic and Transportation and that is where in the staff report the current Traffic Engineering requirements are explained. Backing for truck maneuvering entering or exiting the dock must occur on private property and not within SW 13th Street. This may necessitate two access drives to achieve, based on the location of the loading dock. That would still require an administrative site plan review process and will be up to the Traffic Engineer to enforce and take a look at in that timeframe.

John "Jack" Hilmes asked were Commissioner Corigliano's concerns addressed in the review leading to the staff recommendation to the narrow street SW 13th heading south.

Erik Lundy stated he believes the long trailers will not be able to make that turn and go north in any circumstance pulling away from the dock. From the time of staff review it was understood that there is limited pattern of truck traffic back through the immediate neighborhood the throughout the history of this building. The biggest concern is the backing up of the semis into oncoming traffic that has occurred.

John "Jack" Hilmes asked for clarification that as the applicant presents this project he has a couple more steps which will include direct dealings with Traffic and Transportation.

Erik Lundy stated yes there will be a site plan review whether the applicant's rezoning proposal is approved or not.

Mike Simonson pointed out that the 53-foot tractor trailer the applicant mentioned is the shortest semi-truck on the road.

John "Jack" Hilmes asked the history of the building since there is currently a loading dock.

Erik Lundy stated originally it was a Supervalu grocery and then a print shop. So at any point it had some semi-truck traffic into it. Whether it exited onto Army Post Road at one time, he can only guess what happened there.

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation Part A) that the Commission find that a rezoning to a Limited "M-1" District is found in conformance with the Des Moines' 2020 Community Character Plan; Part B) to deny the requested future land use amendment to General Industrial. Industrial development should be focused in the areas the City has already designated for those types of uses. Industrial uses typically create higher levels of noise, sound and visual impacts on adjoining areas than commercial development and require greater separation from residential uses. The adjoining portion of Army Post Road is designated for commercial development to support the residential uses in the area and Part C) approval of rezoning to a Limited "M-1" Light Industrial District for reduced portion of the subject property that would exclude the south 125 feet of the west 65 feet, and the east 35 feet of the south 50 feet of the portion that is zoned "R1-60"; subject to the owner agreeing to the following conditions:

1. The only uses of the property shall be those permitted in the "C-2" District and contractor's storage yard
2. The following additional uses shall be prohibited:

- a) Adult entertainment businesses
 - b) Automobile establishments for display, hire, rental, and sales
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 - d) Liquor stores or other businesses selling packaged alcoholic liquor
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 5. Conformance with landscape standards as applicable in "C-2" Districts.
 6. Prohibit any building with a predominately metal exterior.
 7. Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street in accordance with Traffic Engineering requirements as part of an approved Site Plan.

Motion passed 10-0.

Respectfully submitted,



Erik Lundy, AICP
Senior Planner

EML:clw

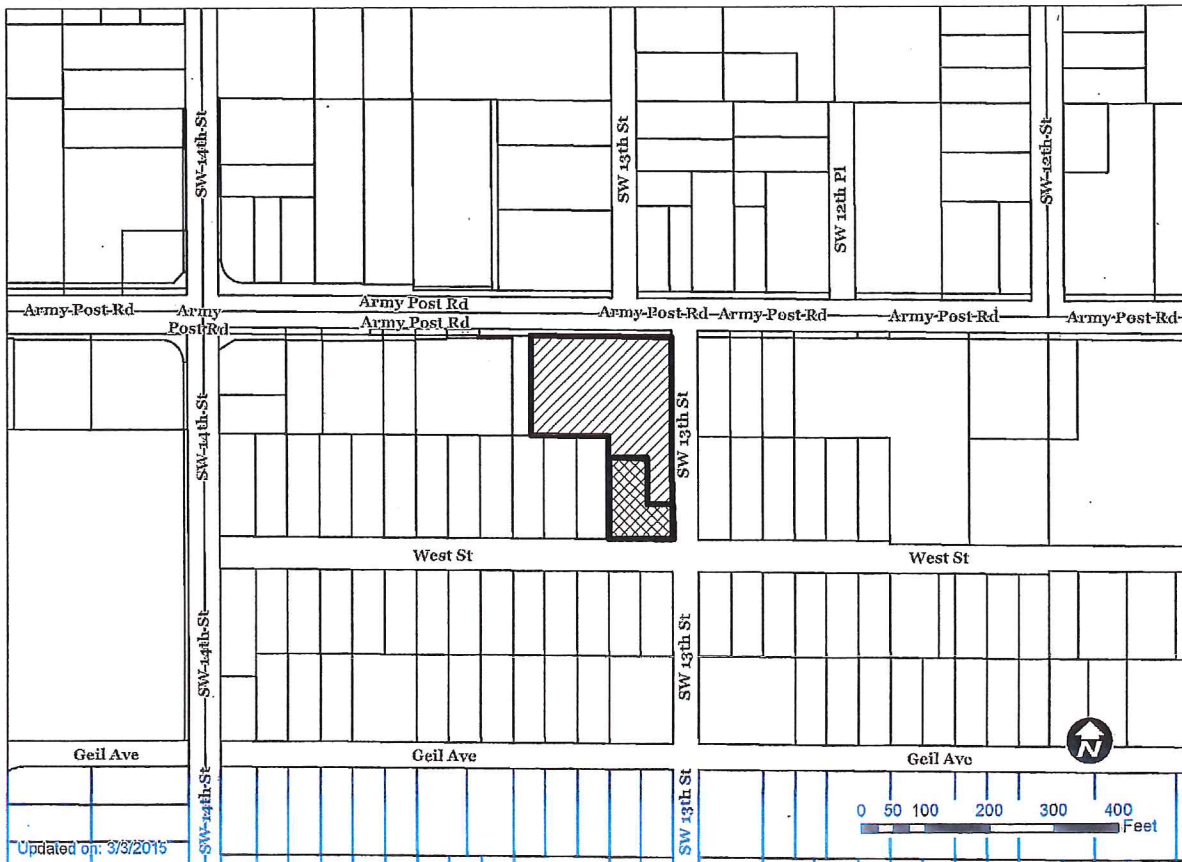
Attachment

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Pyramid Investments, LLC (owner) represented by Jeff Ratashak (officer) for property located at 1300 Army Post Road		File # ZON2015-00002		
Description of Action:	Approval of request to rezone property from "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, to allow permitted uses in the "C-2" District and a contractor's equipment storage yard use only, with conversion of the existing vacant print shop to a contractor's business with offices, shop, and indoor/outdoor storage of equipment and materials subject to the owners agreeing to conditions.			
2020 Community Character Plan	Current: Commercial: Auto-Oriented, Small-Scale Strip Development and Low-Density Residential. Proposed: General Industrial.			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	Limited "M-1" Light Industrial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	4	2		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Pyramid Investments LLC, 1300 Army Post Road

ZON2015-00002



Item ZON2015-00002

Date 1/23/15

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

applicant

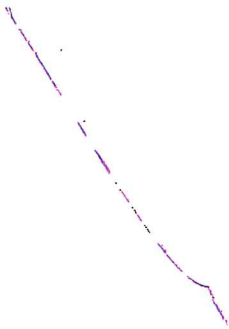
(Circle One)

Print Name Jeff Rotashak

Signature *JR*

Address 1300 Army Post Rd

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



Item ZON2015-00002

Date 1-27-15

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

(Circle One)

Print Name Caleb Fritzer

Signature [Handwritten Signature]

Address 5737 NE 17th St

1309 West Street - Pyramid Property

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

Item ZON2015-00002

Date 27 Jan 2015

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

(Circle One)

Print Name Leland Kenney

Signature [Handwritten Signature]

Address 1225 Army Post Rd, DSM

Reason for opposing or approving this request may be listed below: 50315

Item ZON2015-00002

Date 1-29-15

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

(Circle One)

Print Name ROGER HOWELL

Signature Roger Howell

Address 6240 SEW 13TH ST.

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

Item ZON2015-00002

Date 2-2-15

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

Received after 2/5 P&Z

(Circle One)

Print Name Richard McCool

Signature Richard McCool

Address 1314 Army Post Rd.

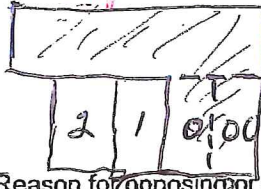
Reason for opposing or approving this request may be listed below:

Item ZON2015-00002

Date JAN 27, 2015

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

(Circle One) Army Post Rd



Print Name

CHRIS A. NELSON

Signature

Chris A Nelson

Address

1305 West Street

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

As long as lots 0+00 stay the way they ARE which is grass + small strip of concrete on the ~~west~~^{east} side AS I own lots 1+2. IF they want to change the way it is I disapprove

Item ZON2015-00002

Date 1/28/15

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

(Circle One)

Print Name

Bunker Family Ent. LC.

Signature

Margy Bunker, Manager

Address

1226 Army Post Rd.

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

My interest is in keeping this area MORE residential + LESS industrialized.

As I wish to be CERTAIN you receive this comment, I am enclosing in an envelope for mailing. THX BFE

Margy Bunker