



Date May 4, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM ARNOLD DEWITT (OWNER)
TO REZONE PROPERTY LOCATED IN THE VICINITY OF 3917 MAHASKA AVENUE
FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED
"C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT**

WHEREAS, on January 26, 2015, by Roll Call No. 15-0107, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 15, 2015, its members voted 9-1 in support of a motion to recommend **APPROVAL** of a request from Arnold DeWitt (owner) to rezone real property located in vicinity of 3917 Mahaska Avenue, locally known as 3917 Mahaska Avenue and Polk County District/Parcel No. 060/00668-000-000 ("Property"), from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District to allow expansion of the existing mini-warehouse complex, subject to the owner agreeing to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" Commercial Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive; and

WHEREAS, Arnold DeWitt also has agreed to the following additional conditions, which are included in the Acceptance of Rezoning Ordinance:

(continued)



Date May 4, 2015

-2-

- n. All buildings on the Property shall be one-story buildings, and shall not exceed 14 feet in height.
- o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet; and

WHEREAS, on January 26, 2015, by Roll Call No. 15-0107, it was duly resolved by the City Council that the application of Arnold DeWitt (owner) to rezone the Property, as legally described below, be set down for hearing on February 9, 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

WHEREAS, on February 9, 2015, by Roll Call No. 15-0249, the City Council opened and continued the public hearing on the rezoning request to March 23, 2015 at 5:00 p.m.; and

WHEREAS, on March 23, 2015, by Roll Call No. 15-0528, the City Council opened and continued the public hearing on the rezoning request to April 6, 2015 at 5:00 p.m.; and

WHEREAS, on April 6, 2015, by Roll Call No. 15-0610, the City Council opened and continued the public hearing on the rezoning request to April 20, 2015 at 5:00 p.m.; and

WHEREAS, on April 20, 2015, by Roll Call No. 15-0690, the City Council opened and continued the public hearing on the rezoning request to May 4, 2015 at 5:00 p.m.; 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 Property locally known as 3917 Mahaska Avenue and Polk County District/Parcel No. 060/00668-000-000, legally described as:

Lots 101, 102, and 103 in BROADACRE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District to allow expansion of the existing mini-warehouse complex, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owners of the Property, which is binding upon the owners and their successors, heirs and assigns.



Roll Call Number

Agenda Item Number

32B

Date May 4, 2015

-3-

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 "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial 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

Glenna K. Frank, Assistant City Attorney

(ZON2014-00230)

NOTE: Six affirmative votes are required to approve the proposed rezoning, due to the written protest against the rezoning as signed and submitted by owners of twenty percent or more of the property which is located within 200 feet of the exterior boundaries of the property to be rezoned. Des Moines City Code §134-3(ii).

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

MOTION CARRIED

APPROVED

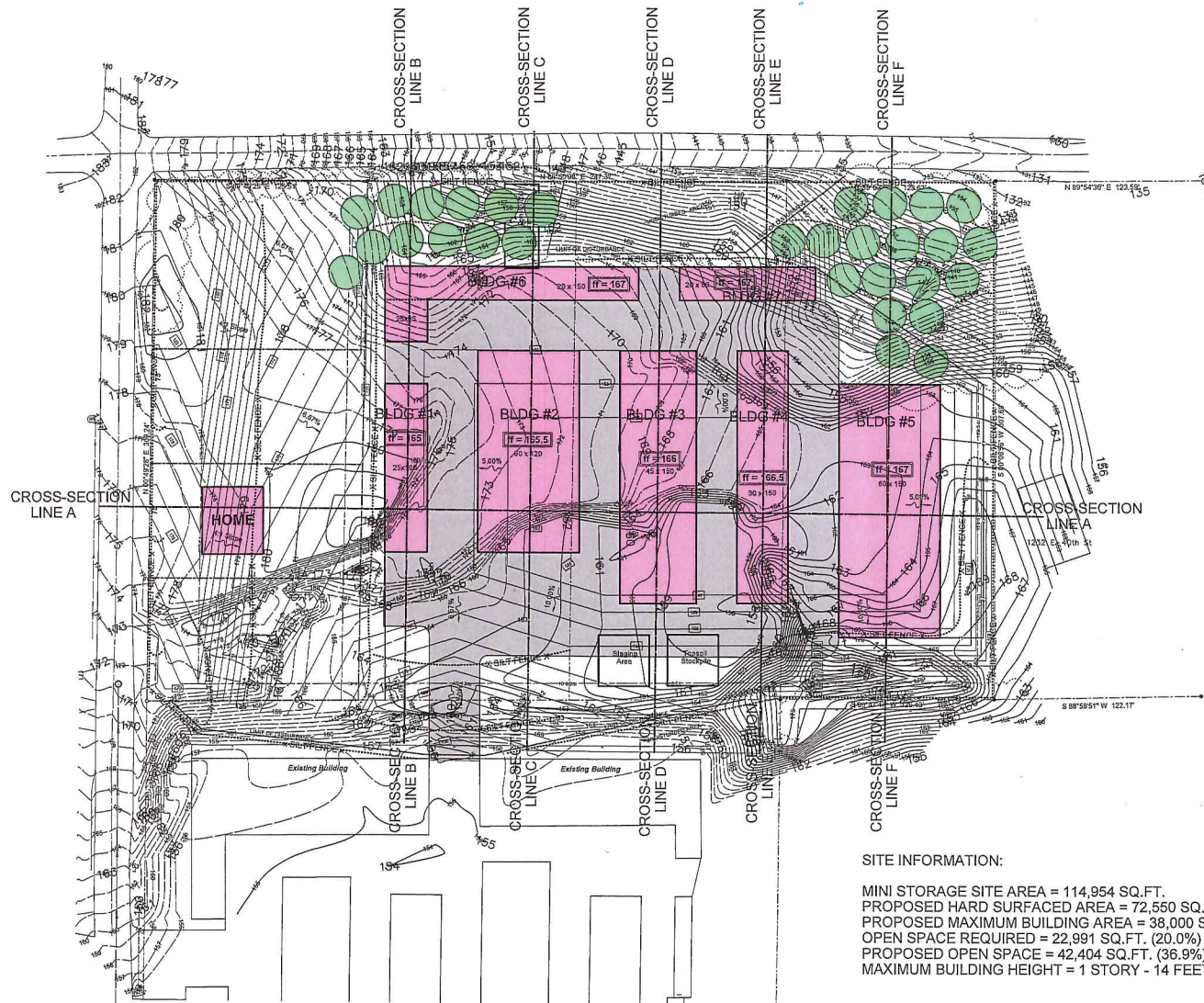
Mayor

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



OWNER: ARNOLD DEWITT
1642 LAKEVIEW DRIVE
PLEASANT HILL, IOWA
PHONE: (515) 991-9071

CIVIL ENGINEER: A. LEO PELDS ENGINEERING COMPANY
ATTN: ELARA JORDLE
2323 DIXON STREET
DES MOINES, IA 50316
PHONE: (515) 265-8196
FAX: (515) 265-2259

SITE ADDRESS: 3800 E. UNIVERSITY AVENUE/3917 MAHASKA AVENUE

ZONING: THE EXISTING ZONING IS R1-60, SINGLE FAMILY RESIDENTIAL.
THE PROPOSED ZONING IN C-2, COMMERCIAL.

ADJOINING ZONING: C-2 (SOUTH) AND R1-60 (EAST)

LEGAL DESCRIPTION
Lots 100-103 in Broadacre, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa.

- GRADING NOTES
- 1) ANY DIRT OR CONSTRUCTION DEBRIS SPILLED ONTO ADJACENT PROPERTIES OR RIGHT OF WAYS SHALL BE PROMPTLY REMOVED.
 - 2) STORM SEWERS WILL BE CONSTRUCTED UNDER A PLUMBING PERMIT.
 - 3) EARTHWORK WILL BE BALANCED ON SITE.
 - 4) ALL OUTDOOR EXTERIOR LIGHTING FIXTURES, INCLUDING WALL MOUNTED PACKS AND POLE LIGHTS, SHALL BE LOW-GLARE, CUT-OFF TYPE FIXTURES TO REDUCE THE EFFECTS OF LIGHT POLLUTION. LIGHTING MUST ALSO BE INSTALLED TO SHINE DOWN AND AWAY FROM RESIDENTIALLY ZONED AREAS.
 - 5) MECHANICAL EQUIPMENT, TRANSFORMERS, OR JUNCTION BOXES, OVER 3 FEET IN HEIGHT, OR OTHER SUCH ITEMS MAY NOT BE LOCATED IN THE REQUIRED SETBACK AREAS. ALL ROOF TOP MECHANICAL EQUIPMENT UNITS MUST BE SCREENED FROM STREET LEVEL VIEW.
 - 6) ALL LANDSCAPING MUST BE MAINTAINED OR REPLACED FOR THE LIFE OF THE CERTIFICATE OF OCCUPANCY.
 - 7) SIDEWALKS ON SITE SHALL BE RECONSTRUCTED, REPLACED, OR MAINTAINED TO CITY STANDARDS.
 - 8) ALL WATER UTILITY WORK SHALL BE DONE IN ACCORDANCE WITH DES MOINES WATER WORKS (DMWW) STANDARD SPECIFICATIONS.
 - 9) ANY EXISTING WATER SERVICE STUBS WHICH FRONT THE SITE BEING DEVELOPED MUST BE CUT AT THE MAIN IF THEY ARE NOT TO BE REUSED FOR THIS PROJECT. WATER SERVICE STUBS MAY ONLY BE REUSED IF APPROVED BY DMWW ENGINEERING AND DMWW DISTRIBUTION DEPARTMENT.
 - 10) 8" LAYER OF COMPACTED TOPSOIL WITH NO MOW FESCUE TO BE PLANTED.

CONSTRUCTION SCHEDULE: ACTIVITY BEGIN END

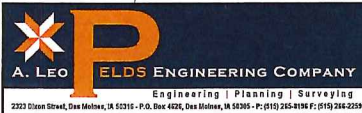
SILT FENCE INSTALLATION	SPRING 2014	SUMMER 2014
TREE REMOVAL	SPRING 2014	SUMMER 2014
ROUGH GRADING	SPRING 2014	SUMMER 2014
TOP SOIL FINISH	SPRING 2014	SUMMER 2014
LANDSCAPING	SPRING 2014	SUMMER 2014
GROUND COVER ESTABLISHMENT	SPRING 2014	SUMMER 2014

Mitigation Option A: 1 replacement tree for each 2,000 sq.ft. of existing canopy removed
60,000 sq.ft. / 2,000 = 30 = 30 trees required

Symbol	Species	Size
	Red Sunset Maple (Acer rubrum)	2-1/2" caliper B&B
	Honey Locust (Gleditsia triacanthos)	2-1/2" caliper B&B
	White Oak (Quercus alba)	2-1/2" caliper B&B
	Red Oak (Quercus rubra)	2-1/2" caliper B&B

SITE INFORMATION:

MINI STORAGE SITE AREA = 114,954 SQ.FT.
PROPOSED HARD SURFACED AREA = 72,550 SQ.FT.
PROPOSED MAXIMUM BUILDING AREA = 38,000 SQ.FT.
OPEN SPACE REQUIRED = 22,991 SQ.FT. (20.0%)
PROPOSED OPEN SPACE = 42,404 SQ.FT. (36.9%)
MAXIMUM BUILDING HEIGHT = 1 STORY - 14 FEET



LEGEND:

STANDARD SYMBOLS:

•	IRON ROD OR PIPE FOUND
○	CALCULATED CORNER
Δ	SECT. COR. MONUMENT FOUND
Δ	SECT. COR. MONUMENT CALC.
⚡	POWER POLE
⚡	LIGHT POLE
F.F.	FINISHED FLOOR

+/+

+	MORE OR LESS FENCE LINE
+	FIRE HYDRANT
+	SANITARY SEWER MANHOLE
+	STORM SEWER MANHOLE
+	VALVE
+	SPOT ELEVATION (@ X)
+	NOT TO SCALE
+	HOT MIX ASPHALT

P.C.C.

—	PORTLAND CEMENT CONCRETE
—	UTILITY LINE OR PIPE
W	WATER
G	GAS
S	SANITARY SEWER
ST	STORM SEWER
UG/ET	UNDERGROUND ELEC. / TEL.
OV/ET	OVERHEAD ELEC. / TEL.
OV/ET	CABLE TELEVISION

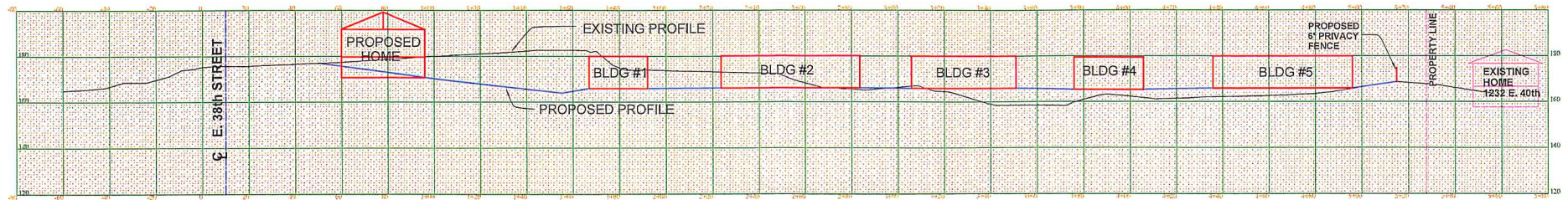
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

ELARA B. JORDLE, P.E., I.A., L.C. NO. 21384 DATE
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2015
ADDITIONAL PAGES OR SHEETS COVERED BY THIS SEAL (NONE UNLESS INDICATED HERE):

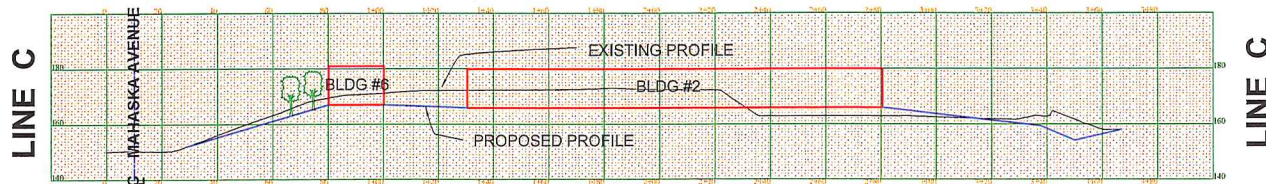
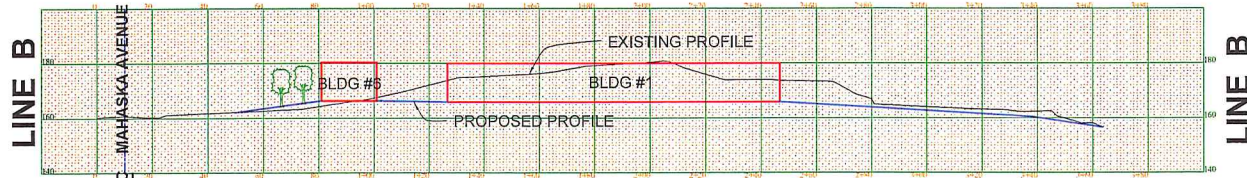
Arnold DeWitt
1241 E 38th Street
Des Moines, Iowa

DATE	BY	DATE	BY
05-18-2014	E. Jordle	04-28-2015	11034
Resizing Plan			

LINE A

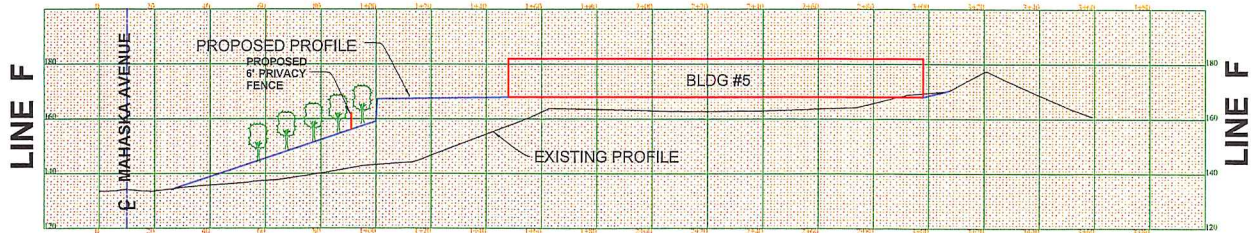
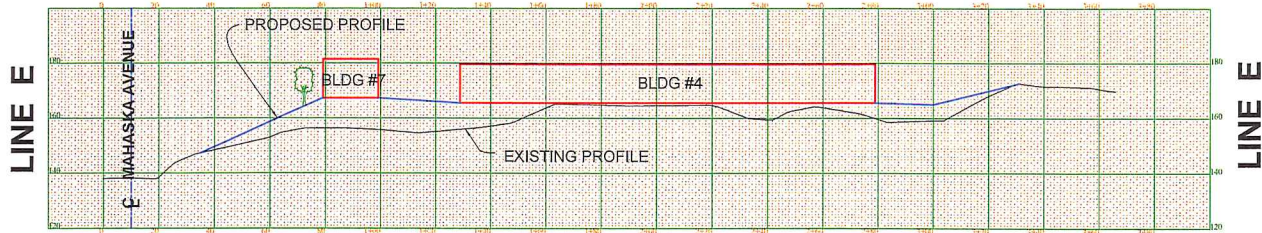
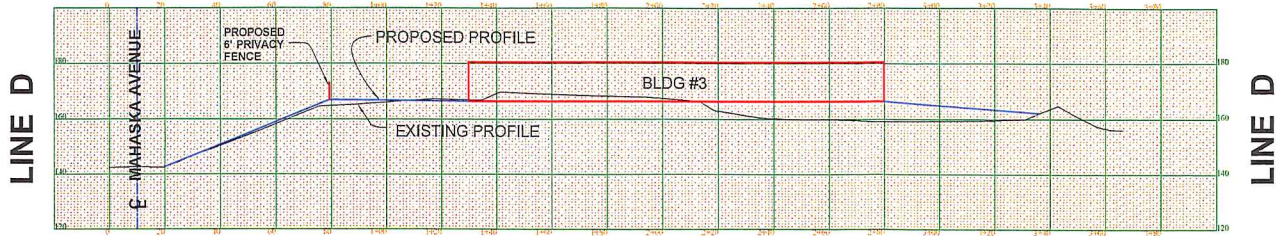


LINE A




SCALE: 1" = 20' HORZ.
1" = 20' VERT.

 A. LEO ELDS ENGINEERING COMPANY <small>Engineering Planning Surveying</small> <small>2223 Olson Street, Des Moines, IA 50316 • P.O. Box 4826, Des Moines, IA 50305 • P: (515) 265-8198 F: (515) 268-2259</small>			
ARNIE DEWITT 1241 E 38TH STREET DES MOINES, IOWA			
DATE	PROJECT	DESIGNER	DRAWN
N/A	04-28-2015	E. Pelds	11034
Cross-Sections Sheet			



SCALE: 1" = 20' HORZ.
1" = 20' VERT.

 A. LEO PELDS ENGINEERING COMPANY Engineering Planning Surveying 2223 Olson Street, Des Moines, IA 50316 - P.O. Box 4024, Des Moines, IA 50305 - P: (515) 281-9196 F: (515) 285-2255			
ARNIE DEWITT 1241 E 38TH STREET DES MOINES, IOWA			
N/A			
N/A	04-28-2015	E. Pelds	11034
N/A		Cross-Sections Sheet 2	

32B

Date _____

Agenda Item _____

Call _____

24
15-0528
15-0609
HAB
HAB



January 21, 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 January 15, 2015, the following action was taken regarding a request from Arnold DeWitt (owner) to rezone property located in the vicinity of 3917 Mahaska Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-1 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 Part A) that the requested rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designation of Low-Density Residential; **APPROVAL** of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development and **APPROVAL** of the requested rezoning to a Limited "C-2" District, subject to the following conditions: (21-2014-4.14 & ZON2014-00230)

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
1. Any use allowed in the "R1-60" Commercial Residential District.

2. Mini-warehouse self-storage complex.
- B. A development of the property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 1. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 2. The remaining sides of any building shall be in earth-tone colors.
 3. No storage units shall have doors facing towards Mahaska Avenue.
 4. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 5. No storage units within the easternmost building on the site shall have doors facing toward the east.
 6. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 7. There shall be no signs other than internal directional signs on the subject property.
 8. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 9. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 11. No surface water shall be released onto any adjoining residential property.
 12. Release the easement on Robert Anderson's property at 1232 E. 40th Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Low-Density Residential.

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

Part C) Staff recommends approval of rezoning to a Limited "C-2" District, subject to the following conditions:

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 1. Any use allowed in the "R1-60" Commercial Residential District.
 2. Mini-warehouse self-storage complex.
- B. A development of the property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 1. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 2. The remaining sides of any building shall be in earth-tone colors.
 3. No storage units shall have doors facing towards Mahaska Avenue.
 4. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.

5. No storage units within the easternmost building on the site shall have doors facing toward the east.
6. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
7. There shall be no signs other than internal directional signs on the subject property.
8. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
9. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
11. No surface water shall be released onto any adjoining residential property.
12. Release the easement on Robert Anderson's property at 1232 E. 40th Street.

Written Responses

- 3 In Favor
- 3 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to expand the East University Self Storage mini-warehouse complex onto a portion of the undeveloped land to the north. The proposed expansion concept includes five (5) buildings with storage units. The proposed expansion area would be accessed by an internal driveway from the existing facility. The submitted site sketch demonstrates that the north 70 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue.

Any commercial development on the site would be subject to administrative approval of a Site Plan by the City's Permit & Development Center.

2. **Size of Site:** 372 feet by 308 feet or 114,576 square feet (2.63 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site is comprised of three undeveloped parcels that include significant natural vegetation along the north site boundary.
5. **Adjacent Land Use and Zoning:**
 - North** - "R1-60", Uses are vacant land and single-family dwellings.
 - South** - "Limited C-2", Use is the East University Self Storage mini-warehouse complex.
 - East** - "R1-60", Use is a single-family residential dwelling.
 - West** - "R1-60", Uses are vacant land and single-family residential dwellings.

40B 32B
44B
41A

6. **General Neighborhood/Area Land Uses:** The subject property is within an area that transitions from a commercial corridor along East University Avenue to a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Gray's Woods Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on December 24, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on December 24, 2014 (20 days prior) and January 5, 2015 (10 days prior to the hearing) to the Gray's Woods Neighborhood Association contact and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 9, 2015.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Gray's Woods Neighborhood Association mailings were sent to Janis Bowden, 1250 East 37th Street, Des Moines, IA 50317.

8. **Relevant Zoning History:** On April 6, 1998, the property adjacent to the south was rezoned by Ordinance #13,597 to Limited "C-2" General Retail and Highway-Oriented Commercial District from "C-1" District, subject to the following conditions:
- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 - 1. Any use allowed in the "C-1" Commercial Residential District.
 - 2. Mini-warehouse self-storage complex.
 - B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 - 1. The side facing University Avenue of any building upon the Property shall be of masonry material in earth tone colors. The balance of the building, including doors, shall be of an earth tone color.
 - 2. No storage units shall be placed with doors facing University Avenue.
 - 3. All lights shall be shielded so as not to illuminate into adjoining residential properties.
 - 4. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 - 5. The gate and fencing along University Avenue and E. 38th street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 - 6. A 25 foot wide setback shall be maintained along the eastern, southern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Director of the Community Development Department.
 - 7. A sidewalk shall be installed and maintained along the E. University Avenue and E. 38th Street frontages. The installation of the sidewalk north of the entrance on E. 38 the Street shall be subject to feasibility with respect to grades.
 - 8. The hours of operation shall be limited to 6:00 am. to 10:00 p.m.

On September 15, 2011, the Plan & Zoning Commission recommended denial of a request to rezone the entire site (3.51 acre) to "C-2" District.

The City Council heard the request on October 10, 2011 and continued the item to November 7, 2011. The hearing was continued again to November 21, 2011.

On November 21, 2011, the City Council referred a modified proposal back to the Plan & Zoning Commission for consideration that excludes the north 100 feet of the site to allow for future single-family dwellings along the south side of Mahaska Avenue.

On December 15, 2011, the Plan & Zoning Commission reopened the public hearing. At that time, the request was continued to February 16, 2012 to allow the applicant to meet with the Gray's Woods Neighborhood Association to discuss leaving up to 120 feet along Mahaska Avenue zoned "R1-60" District. On February 16, 2011 it was continued to the March 1, 2012 Plan and Zoning Commission based on the scheduling of the neighborhood meeting for February 15, 2012.

On March 1, 2011, the Plan and Zoning Commission recommended approval of the rezoning subject to the following conditions:

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 - 1. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 - 2. Mini-warehouse self-storage complex.
- B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 - 1. Access shall be provided from an internal drive approach from the existing facility to the south and not from East 38th Street.
 - 2. The side of any building upon the Property facing East 38th Street shall be in earth tone colors.
 - 3. No storage units within the westernmost building on the site shall be constructed with doors facing East 38th Street.
 - 4. No storage units within the easternmost building on the site shall have doors facing the east property line.
 - 5. All exterior lighting fixtures shall be shielded so as not to illuminate into surrounding residentially-zoned properties.
 - 6. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 - 7. Any fencing along East 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 - 8. A minimum 25-foot wide setback shall be maintained along the eastern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - 9. A minimum 10-foot wide setback shall be maintained along the northern boundary of any development. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - 10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - 11. No surface water detention shall be released onto any adjoining residential property.

40B32B
44B
44A

12. No permit for construction shall be issued until such time that all zoning violations for the existing miniwarehouse use at 3800 East University Avenue have been remedied.
13. No permit for construction shall be issued until such time that the entire site and the 100-foot wide area adjacent to the north have been graded to the satisfaction of the Engineering staff of the Permit and Development Center in accordance with a grading permit and soil erosion control plan.
14. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
15. The four lots on Mahaska Avenue shall be 110 feet deep from north to south.
16. If there is a retaining wall between the storage units and the residential lots on Mahaska Avenue, it should not be more than four feet in elevation.
17. The four parcels on Mahaska Avenue shall be graded so they are buildable.
18. That all seven pages of the "Staff Report and Recommendation" be part of the record.

On March 26, 2012 the City Council approved a first reading of the rezoning subject to the recommended conditions of the Plan and Zoning Commission. On April 9, 2012, the applicant requested withdrawal of the rezoning. The withdrawal was rejected by the City Council on May 7, 2012.

On May 21, 2015 the City Council approved a second reading of the rezoning request, with the modification that the north 110 feet be excluded from the rezoning area, to allow land along Mahaska Avenue to provide adequate depth for single-family residential lots.

On June 22, 2012 the applicant submitted a second letter requesting withdrawal of the rezoning. On June 25, 2012 the City Council dismissed the rezoning proceedings based on the applicant's withdrawal of the application.

The City still had zoning enforcement action pending on the existing miniwarehouse site at 3800 East University Avenue. This was closed after a site inspection on August 9, 2012.

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

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. **Gray's Woods Neighborhood Action Plan:** The Gray's Woods Neighborhood Plan was adopted by City Council in March of 1999. A goal of the plan is to "restrict expansion of existing commercial development into existing residential development within the neighborhood". The plan calls for "preventing commercial rezoning of residential property adjacent to existing commercial uses" while "encouraging flexibility

in regulations to allow future expansion or improvement of existing conforming commercial uses within their current site”.

However, the plan also states that “establishing the future land use is important in the implementation of the Action Plan in that a guideline is provided for future development and redevelopment. It should be considered as a guideline and not as a strict determinant so that it can be flexible enough to allow for changing environments in acceptable development practices and other land use needs which cannot be foreseen at the current time.” Staff believes that, in this instance, the property can acceptably be developed for a commercial use so long as the development occurs in accordance with zoning conditions, such as limiting access, requiring adequate buffering and landscaping, and the use of quality building materials.

In the previous rezoning request the City Council was looking to preserve the depth of setback from Mahaska Avenue by leaving 110 feet out of the rezoning request. Since that time the applicant proposes a 70-foot setback along Mahaska Avenue but preserving 125 feet of depth from East 38th Street to be left out of the rezoning to allow single-family lot development. This would require a separate subdivision plat for creation of the single-family lots. This development is also more feasible as there is existing sanitary sewer available in East 38th Street.

2. **2020 Community Character Plan:** The requested rezoning to “C-2” General Retail and Highway-Oriented Commercial District would require that the current Des Moines’ 2020 Community Character Plan future land use designation be amended from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
3. **Natural Site Features:** The northern portion of the site slopes downward toward Mahaska Avenue, with as much as 30 feet change of grade change. The portion of the site that is steeply slopes contains significant vegetation.

Any site plan submitted for commercial development of the site would be required to comply with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code). This Ordinance requires mitigation for any tree or tree canopy removed after May 1, 2009. During any future Site Plan review, would be required to calculate the area of tree canopy that has been removed since May 1, 2009 to determine the number of trees that need to be planted as mitigation. Staff estimates that as much as 30,000 square feet of canopy has been removed since that time, which would require 15 replacement trees (1 per 2,000 square feet of removed tree canopy). The applicant has indicated that the replacement trees would be planted along the north and east site boundaries in order to provide additional buffering of the development.

4. **Landscaping & Buffering:** Any site plan submitted for commercial development of the site would be required to comply with the City’s Landscape Standards, including provision of perimeter plantings and at least 20% of the site being open space.

The submitted site sketch demonstrates that approximately the north 70 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue. Since the site sketch is only conceptual, staff recommends that any rezoning be subject to a zoning condition that requires a minimum 50-foot wide setback along the northern boundary of the property

adjoining Mahaska Avenue and a 25-foot wide setback be maintained along the eastern boundary of the site. These setback areas should be landscaped in accordance with a plan approved by the Planning Administrator.

5. **Drainage/Grading:** Any site plan submitted for commercial development of the site would be required to comply with the City's stormwater management requirements to the satisfaction of the Permit & Development Center. All grading would be subject to an approved grading permit and soil erosion control plan. There is no storm sewer available in close proximity to the subject property. Therefore, any surface detention of stormwater would likely feed into the system within the existing miniwarehouse site and into public storm sewer in East University Avenue. Alternate design whereby the stormwater would infiltrate into the ground without surface water detention is also a possibility.
6. **Utilities:** There is an existing water main and a sanitary sewer west of the site within the East 38th Street right-of-way. Given the change in grade, it is unlikely that any development on the proposed site could feasibly connect to this sanitary sewer. The most likely connection to serve this area, if necessary, would be through the existing site to the south. There is not likely a water or sanitary sewer need for the proposed expansion. However, platting of the property fronting East 38th Street to the west is a possibility given the access to these utilities.
7. **Traffic/Street System:** The existing miniwarehouse facility is accessed by a drive approach from East 38th Street. The submitted site sketch demonstrates that the expansion area would be accessed by an internal drive approach from the existing facility. The applicant is not proposing an access drive from Mahaska Avenue.

The existing miniwarehouse facility at 3800 East University Avenue includes the following zoning condition: "A sidewalk shall be installed and maintained along the East University Avenue and East 38th Street frontages. The installation of the sidewalk north of the entrance on East 38th Street shall be subject to feasibility with respect to grades." Sidewalk has been installed on East University Avenue. However, it has not been installed along East 38th Street. The Permit & Development Center's engineering staff has since determined that it is not feasible to construct the sidewalk along East 38th Street due to the topography and the placement of existing utility poles.

8. **Miniwarehouse Requirements:** The Zoning Ordinance limits the length of any miniwarehouse structure to 150 feet in length and requires that structures be at least 10 feet from any other structure. The submitted site sketch demonstrates that none of the six (6) buildings would be greater than 150 feet in length. Additionally staff recommends that all applicable zoning conditions for the existing mini-warehouse facility to the south be transferred to the proposed site expansion zoning.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Tim Fitzgerald asked what type of fencing is required on the east and west boundaries.

Erik Lundy stated screen fencing is required.

40732B

Will Page asked if there has been any communication from the neighborhood association.

Erik Lundy stated his understanding is they met with Janice from Grays Woods. Staff has not received a communication from the Grays Woods Neighborhood Association.

Mike Ludwig asked Erik to speak to the signage and fencing from the 2011 recommendation and whether or not those conditions should be included in this request.

Erik Lundy stated he believes at that time the thought was it was going up against Mahaska a little more. Staff is recommending no signage other than directional signage.

Wally Pelds 2323 Dixon Street stated this is a project they have been working on for a very long time. The applicant did attend the Grays Woods Neighborhood Association meeting and stated the neighborhood association is in favor of his request because they are proposing those four lots along E. 38th Street. They looked at the other options of the zoning that was proposed in 2011 and it was not conducive to constructing the sewer. They believe the new proposal fits the character of the neighborhood. The neighborhood likes the fact that the applicant is staying away from that north end. They currently have no use for it and it would require a lot of mitigation if trees were removed. The applicant is trying to get the zoning done so they can start with the site planning process and get that passed through.

Greg Jones asked about the boxed shapes on the plan

Wally Pelds stated those boxed shapes were for their SWPPP. They had to create a SWPPP (Stormwater Pollution Prevention Plan) for this site. It is temporary during construction.

Mike Simonson asked for an explanation of the grades on the street compared to the roof or first floor of the building.

Wally Pelds explained from the adjoining properties along the west are proposed to be lookout/walkouts because of the grade change down to the building. He pointed out where the drainage swale would be. The roof top is roughly at the same level as the street.

Jonathan Rosenbloom asked to hear about the prior zoning violations for the original storage unit site.

Wally Pelds stated that is a question for the applicant and unfortunately he is on vacation.

Erik Lundy stated the last time this went through the rezoning process there was deficiencies on the existing site to the south. That was reviewed in August of 2011. The grades did not allow the construction of sidewalk.

Mike Ludwig stated landscaping and grading violation for the subject property were a few of the past violations.

403 32B
44B
HHA

Erik Lundy stated the mitigation was in place when the trees were cleared. They will be subject to the mitigation standard.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jonathan Rosenbloom noted that it appears this is contradictory to the neighborhood's plan.

Mike Ludwig stated there were conflicting statements in their neighborhood plan in that area. He gave the history of the previous plan. It came to Plan and Zoning Commission who recommended denial. City Council referred it back to the Commission for a second review and at that time it was recommended for approval. It made it to third reading by City Council when the applicant withdrew the application.

COMMISSION ACTION:

Mike Simonson moved staff recommendation Part A) that the requested rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Low-Density Residential; Part B) approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development and Part C) approval of rezoning to a Limited "C-2" District, subject to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" Commercial Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the subject property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot foot wide building setback shall be maintained along the eastern boundary of the property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.

40B 32B
15-0609
~~15-0528~~
##

- j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
- k. No surface water shall be released onto any adjoining residential property.
- l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
- m. No exterior lighting fixtures shall be placed on building faces that do not directly abut a drive.

Motion passed 9-1. (Jonathan voted in opposition)

Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

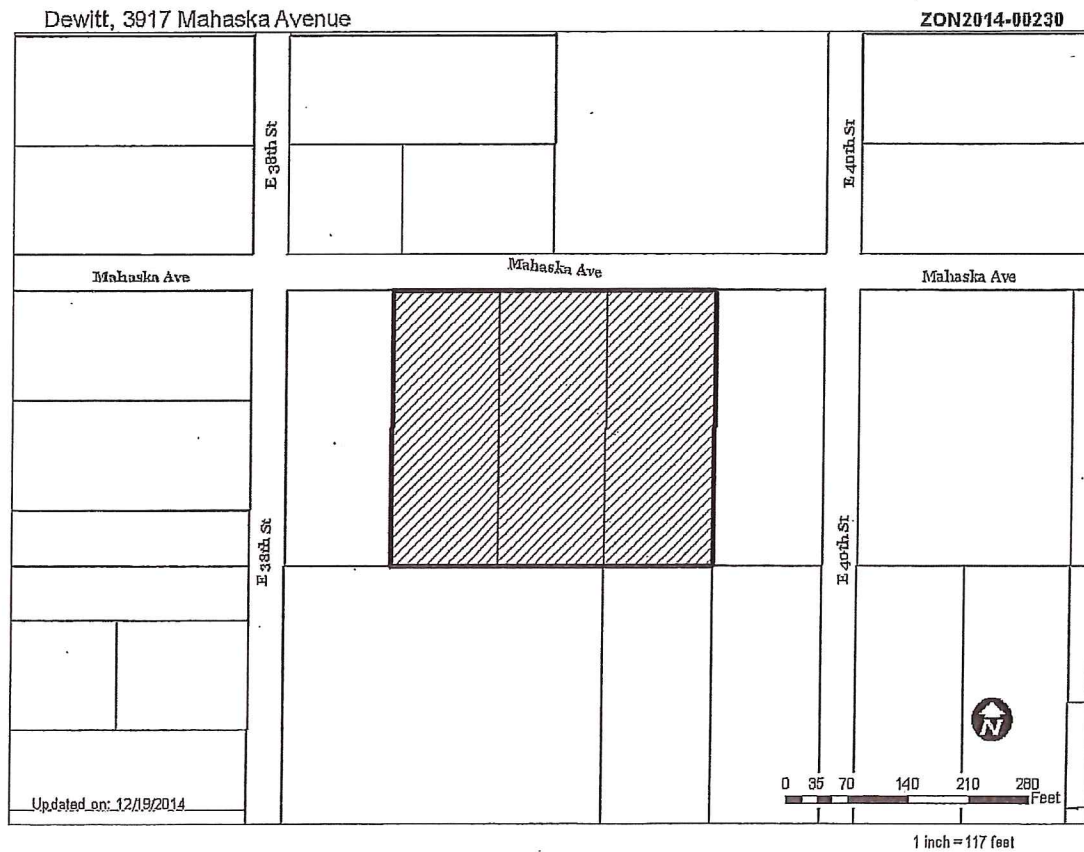
15-0528
15-0609

Request from Arnold DeWitt (owner) in vicinity of 3917 Mahaska Avenue.				File #	
				21-2014-4.14	
Description of Action	Approval of request to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.				
2020 Community Character Plan	Current: Low-Density Residential. Proposed: Commercial: Auto-Oriented, Small-Scale Strip Development.				
Horizon 2035 Transportation Plan	2026-2035: Widen East University from 4 lanes to 5 lanes.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District.				
Proposed Zoning District	Limited "C-2" General Retail and Highway Oriented Commercial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	9-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X



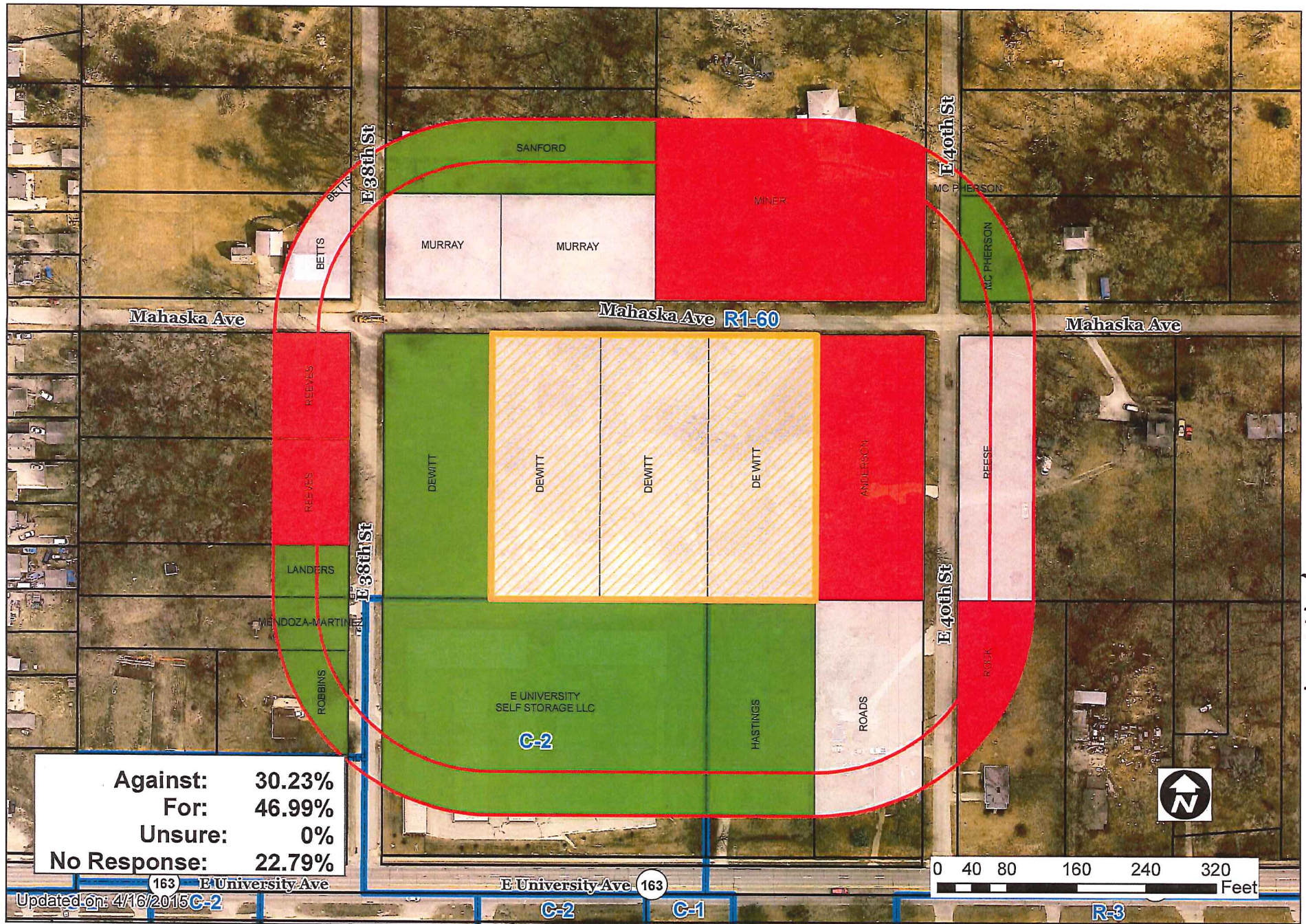
15-0528
 15-0109
 32B
 46B

Request from Arnold DeWitt (owner) in vicinity of 3917 Mahaska Avenue.				File #		
				ZON2014-00230		
Description of Action		Approval of request to rezone property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing miniwarehouse complex, subject to conditions.				
2020 Community Character Plan		Current: Low-Density Residential. Proposed: Commercial: Auto-Oriented, Small-Scale Strip Development.				
Horizon 2035 Transportation Plan		2026-2035: Widen East University from 4 lanes to 5 lanes.				
Current Zoning District		"R1-60" One-Family Low-Density Residential District.				
Proposed Zoning District		Limited "C-2" General Retail and Highway Oriented Commercial District.				
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		3	3			
Outside Area						
Plan and Zoning Commission Action		Approval	9-1	Required 6/7 Vote of the City Council	Yes	
		Denial			No	X



Dewitt, 3917 Mahaska Avenue

ZON2014-00230



MAP-4-16-15

4032B

1 inch = 140 feet

ZON2014-00230

32B

Item _____

Date 1-07-15

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

(Circle One)

Print Name

Arnold E DeWitt

Signature

Arnold E DeWitt

Address

3800 E University Ave

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

ZON2014-00230

92B

Item

Date 1-07-15

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

(Circle One)

*applicant owned
(outside city area)*

Print Name Arnold E. Dewitt

Signature Arnold E. Dewitt

Address 5800 E University Ave DSM, IA

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

To whom it may concern
My name is Anna McLane and live
at 1315 E 38th St Des Moines and
I am in favor of rezoning lots
101, 102 & 103 from R1 to C2 in
broadacre.

Anna McLane
3-5-15

SEE SANFORD

ZON2014-00230

Item

Date

32B
Jan. 10 2015

☒ (am) ~~(am-not)~~ in favor of the request.

(Circle One)

Print Name

John H. McPherson

Signature

John H. McPherson

Address

1305 E. 40th St.

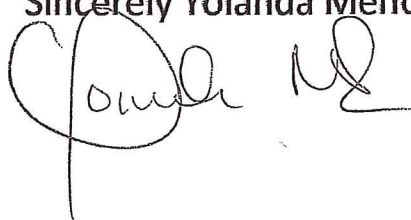
Owner 2 properties
(1305 E. 40th St. & 1305 E. 41st St.)
& not connected

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

These owners need room to expand
an established business with
growing public demands. we
should support them with
this request.

To whom it may concern: My Name is Yolanda Mendoza, I live
At 1220 E. 38th st, and after discussing my concerns with Arnold DeWitt
about the zoning changes on lots 101, 102 & 103 broad acre I now
rescind my previous vote and I am in favor of supporting the zoning
change from R1 to C2. Please change my vote to in favor of the zoning
change.

Sincerely Yolanda Mendoza

 4/3/15

ZON2014-00230

SUPERCEDED BY 4/3 Supp'd letter

Item

Date 1-10-15 **32B**

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

Received post P&Z 1/15 meeting

(Circle One)

Print Name Yolanda Mendola

Signature [Signature]

Address 1520 E 38th St Day AZ

50317

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

I believe by rezoning my property value
will decrease and there will be more
traffic on the street where my
kids will be limited to play on
the yard.

To whom it may concern: My Name is Jody Hastings, I live
At 3936 E. University Ave, and after discussing my concerns with Arnold
DeWitt about the zoning changes on lots 101,102&103 broad acre I
now rescind my previous vote and I am in favor of supporting the
zoning change from R1 to C2. Please change my vote to in favor of the
zoning change.

Sincerely Jody Hastings

Jody Hastings - 4/4/15
Andrew Hastings 4/4/15

RECEIVED
COMMUNITY DEVELOPMENT

JAN 15 2015

DEPARTMENT

January 5, 2014

Supervised by **BOB**
4/4/15 letter of
support

To: Des Moines City Council

Re: Zoning & Planning, Commercial Property for E. University Self Storage

Dear Council Members,

My name is Jodi Hastings, and I am a Deed Holder of address is 3936 E University Ave, Des Moines, Ia. My son Andrew is the Mortgage Holder/Owner. Together, we own this property that ^{was} previously owned by my mother prior to her passing in '06. Andrew & I have been recently informed that there will be a meeting to assess the property directly north & Northwest, adjacent to our property in order for East University Self Storage to expand.

We are protesting such action as this zoning will have a negative impact on our property. We have dealt with other issues in the past such as watershed from previous construction & left over materials (unfinished construction prior 2006) & other matters as the property sits now. (See assessment)

We are very concerned that these other sections will further a negative impact on the values of the other two homes on the block besides ours. Second, is safety? If one looks over the NW corner of the fence within approx. 4ft is a 15-20 drop off. This is a serious danger to children. (We have several young children over at all times) Next, aesthetics, this is Grays Woods Neighborhood. "Woods" being the key word. (This landscape has been destroyed without prior approval trees removed etc.) I guess if the city would like to make it all Commercial/Residential so that this project isn't spread about as such. If you're going to disturb the beauty of the trees & wildlife take the whole block. Why leave homes to be abandoned or become part of the Eastside we don't want to see. I honestly believe this is how "those neighborhoods" begin. Lastly, crime, again the only other homes on this block should have the zoning privilege of either or. If not places have a more likely chance of abandonment, crime, etc. Please take into consideration the repercussions if expansion is granted to the existing homes. We as a family wouldn't repurchase my home if this had already been completed.

Thank you for your time,

Sincerely,

Jodi & Andrew Hastings

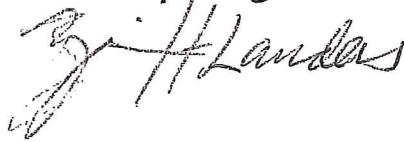
Jodi Hastings
1-12-15

Andrew Hastings
1-9-15

To whom it may concern: My Name is Bridget Landers, I live
At 1224 E. 38 Street and I support the zoning changes on lots
101,102&103 broad acre from R1 to C2

4-4-15

Sincerely Bridget Landers

A handwritten signature in black ink, appearing to read "Bridget Landers". The signature is stylized with a large, looped initial "B" and a long, sweeping horizontal stroke.

To whom it may concern: My Name is Tanner Robbins, I live
At 1208 E. 38 Street and I support the zoning changes on lots
101,102&103 broad acre from R1 to C2

Sincerely Tanner Robbins


4/5/15

Item ZON 2014-00230

Date Feb. 04-2015

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

(Circle One)

Print Name Donald J. Reeves

Signature Donald J. Reeves

Address 3838 E. 3897. D St Ia

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

I will approve the rezoning after
I have more information. If
I still agree that this is
good for the city + my
neighbors.

Item ZON 2014-00230

Date April 17, 2015

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

Received March 23, 2015

(Circle One)

Print Name

Robert & Susan Anderson

Signature

Susan Anderson

Address

12325 4th St

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

Mr. DeSt had not time what he

was to shoot anything. Mr. DeSt

suggested to get rid of trees in back
down.

ZON2014-00230

SEE ROCK

Item _____ Date 1-8-15

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

(Circle One)

Print Name Marilyn Thomas

Signature Marilyn Thomas

Address 4000 E. University

(Mailing Address to Corvaine Rock)

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

The majority has been
against this in the past
I will not go against my
neighbors.

QJB

April 6, 2015

To whom it may concern my name is
Maele Minc and I live at 1320 E. 40th St.
After further consideration I am apposed to the
Zoning changes on lots 101, 102, and 103 in
Broadacre's Subdivision of Gray Woods. I am not
in favor of changing them from RT to C2.

Thank You,

Maele Minc

RECEIVED 4/6/2015

HAND DELIVERY

~ 3:30PM

SUPERCEDED BY 4/6

Opposition
letter

To whom it may concern: My Name is Merle Miner, I live
At 1320 E. 40th st, and after discussing my concerns with Arnold DeWitt
about the zoning changes on lots 101,102&103 broad acre I now
rescind my previous vote and I am in favor of supporting the zoning
change from R1 to C2. Please change my vote to in favor of the zoning
change.

Sincerely Merle Miner

Merle Ray Miner 4-4-15

Item ZON 2014-C0230

4013 SAME AS 1/14/15
Date 2-4-15 ^{CARD} ~~Superceded by~~ 4/14/15

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

(Circle One)

Print Name Melie Ray Miner

Signature Melie Ray Miner

Address 1320 E 40TH ST. Des Moines Ia

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

A family of foxes lives on the property!

ZON2014-00230

SUPERCEDED BY
4/4 letter

Item

Date 1-14-2015

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

Received post Pdz meeting

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT

Print Name

Merle Ray Miner

JAN 23 2015

Signature

Merle Ray Miner

Address

1320 E. 40th St Des Moines Iowa 503

DEPARTMENT

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

A fox lives on the property.

