



Date June 22, 2015

RESOLUTION SETTING HEARING ON REQUEST FROM JEROME T. BASSMAN AND SARI D. BASSMAN IRREVOCABLE TRUST TO REZONE PROPERTY LOCATED AT 1240 AND 1244 2ND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2015, its members voted 9-0 in support of a motion to recommend APPROVAL of a request from Jerome T. Bassman and Sari D. Bassman, Trustees of the Jerome T. Bassman and Sari D. Bassman Irrevocable Trust dated August 21, 2012 (owner), represented by Sari Bassman (Co-Trustee), to rezone a portion of the property located at 1240 and 1244 2nd Avenue ("Property Area A") from "R1-60" One-Family Low-Density Residential District, Limited "NPC" Neighborhood Pedestrian Commercial District, and "M-1" Light Industrial District to Limited "M-1" Light Industrial District to allow for expansion of the existing Commercial Bag & Supply retail, warehousing and distribution business at 1244 2nd Avenue, and to rezone the remaining portion of the property located at 1240 and 1244 2nd Avenue ("Property Area B") from "M-1" Light Industrial District, "R1-60" One-Family Low Density Residential District, and Limited "NPC" Neighborhood Pedestrian Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow for development of a restaurant with pedestrian-oriented placement toward 2nd Avenue on the southern portion of the block face, subject to the following conditions:

For Property Area A, proposed for the Limited "M-1" District:

- 1. Prohibition of the following uses: a) Adult entertainment establishments; b) Billiard parlor/game room; c) Communication tower/antenna (unless as an extension of 20 feet or less from the structure); d) Delayed deposit services; e) Pawn brokers; f) Gas stations/convenience stores; g) Off-premises advertising signs; h) Liquor stores where gross revenues of tobacco and alcohol products exceed 40%; i) Taverns and nightclubs; j) Contractors equipment storage yard; k) Outdoor storage; l) Vehicle display for sale or rental; m) Circus, carnival, or similar enterprise; n) Coalyard, cokeyard, or woodyard; o) Concrete mixing or concrete products manufacture; p) Bulk storage of flammable liquids; q) Communication towers and antennas; and r) Livery stable or riding academy.
2. The building height of any structure on Property Area A shall be limited to a maximum of 35 feet.
3. Any expansion of existing buildings or construction of new buildings shall be constructed primarily of masonry block material compatible with the existing buildings. Storefronts oriented toward 2nd Avenue may have brick or lap siding material.

For Property Area B, proposed for the Limited "NPC" District:

- 1. Prohibition of the following uses:



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- a) Billiard parlor/game room;
 - b) Communication tower/antenna (unless as an extension of 20 feet or less from the structure);
 - c) Delayed deposit services;
 - d) Pawn brokers;
 - e) Gas stations/convenience stores;
 - f) Off-premises advertising signs;
 - g) Liquor stores where gross revenues of tobacco and alcohol products exceed 40%;
 - h) Taverns and nightclubs; and
 - i) Adult entertainment establishments.
2. Any submitted Site Plan shall adhere to the "NPC" Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
 3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates.

WHEREAS, the Property is legally described as follows:

Property Area A (From R1-60, NPC, and M-1 to Limited M-1):

LOTS 143 THROUGH 147 AND A PART OF LOTS 141, 142 AND 148 AND A PART OF THE ALLEYS LYING ADJACENT TO THE PREVIOUSLY STATED LOTS IN RUTHERFURD HEIGHTS, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 145; THENCE SOUTH 00°26'23" EAST ALONG THE EAST LINE OF SAID LOTS 145, 146, 147 AND 148, A DISTANCE OF 162.99 FEET; THENCE SOUTH 89°49'21" WEST, 72.32 FEET; THENCE SOUTH 00°00'25" EAST, 28.40 FEET; THENCE SOUTH 89°49'21" WEST, 203.04 FEET TO THE EAST LINE OF LOT 139, RUTHERFURD HEIGHTS; THENCE NORTH 00°36'35" WEST ALONG THE EAST LINE OF LOTS 139 AND 138, RUTHERFURD HEIGHTS, 58.47 FEET TO THE NORTHEAST CORNER OF LOT 138, RUTHERFURD HEIGHTS; THENCE NORTH 00°13'59" EAST ALONG THE EAST LINE OF LOTS 137, 136 AND 135, RUTHERFURD HEIGHTS, 134.31 FEET TO THE NORTHEAST CORNER OF LOT 135, RUTHERFURD HEIGHTS; THENCE SOUTH 89°53'17" EAST ALONG THE NORTH LINE OF ALLEY AND LOTS 143, 144 AND 145, RUTHERFURD HEIGHTS, 274.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 50,801 SQUARE FEET.

Property Area B (From Limited NPC, M-1, and R1-60 to Limited NPC):

LOTS 150 AND A PART OF LOTS 141, 142, 148 AND 149 AND A PART OF THE ALLEYS LYING ADJACENT TO THE PREVIOUSLY STATED LOTS IN RUTHERFURD HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 140, RUTHERFURD HEIGHTS; THENCE NORTH 00°36'35" WEST ALONG THE EAST LINE OF LOTS 140 AND 139, RUTHERFURD

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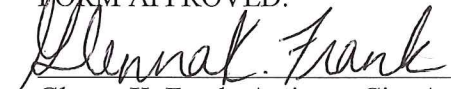
HEIGHTS, 91.84 FEET; THENCE NORTH 89°49'21" EAST, 203.04 FEET; THENCE NORTH 00°00'25" WEST, 28.40 FEET; THENCE NORTH 89°49'21" EAST, 72.32 FEET TO THE EAST LINE OF LOT 148, RUTHERFURD HEIGHTS; THENCE SOUTH 00°26'23" EAST ALONG THE EAST LINE OF LOTS 148 AND 149, RUTHERFURD HEIGHTS, 32.04 FEET TO THE NORTH CORNER OF THE ACQUISITION PLAT RECORDED IN BOOK 6705 PAGE 48; THENCE SOUTH 02°26'34" WEST ALONG THE WEST LINE OF SAID ACQUISITION PLAT, 89.87 FEET TO THE SOUTH LINE OF SAID LOT 150 AND THE SOUTHWEST CORNER OF SAID ACQUISITION PLAT; THENCE NORTH 89°50'38" WEST ALONG THE SOUTH LINE OF SAID LOT 150, 142, 141 AND THE ADJACENT ALLEYS, 270.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 27,372 SQUARE FEET.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on July 13, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


 Glenna K. Frank, Assistant City Attorney

(ZON2015-00069)

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

MOTION CARRIED APPROVED

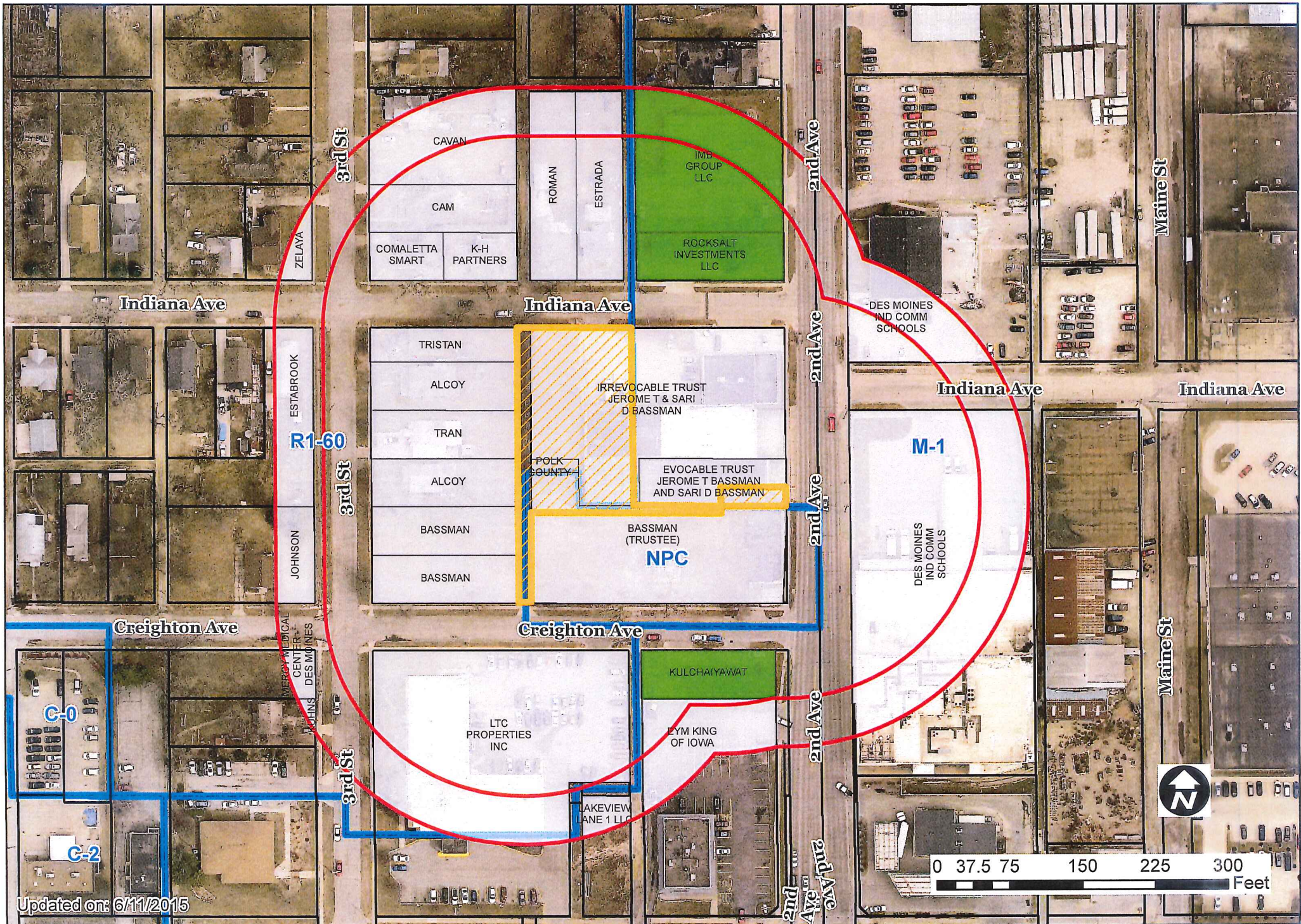
CERTIFICATE

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.

 Mayor

 City Clerk



Date June 22, 2015

Agenda Item 18

Roll Call # _____



June 11, 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 June 4, 2015, the following action was taken regarding a request from Jerome & Sari Bassman Irrevocable Trust (owner) represented by Sari Bassman (trustee) to rezone property located at 1240 and 1244 2nd Avenue. Additional property is owned by Polk County.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes				
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson				X
CJ Stephens				X
Vicki Stogdill				X
Greg Wattier	X			

APPROVAL of Part A) for approval of the requested vacation of the north/south alley, Part B) that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan existing future land use designation of Low Density Residential, Part C) for approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designations from Low Density Residential to General Industrial; from Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial; and from General Industrial to Commercial: Pedestrian-

Oriented Commercial Corridor and Part D) for approval of rezoning to Limited "M-1" Light Industrial District and Limited "NPC" District subject to the following conditions:
(11-2015-1.07, 21-2015-4.11 & ZON2015-00069)

For the area proposed for the Limited "NPC" District:

1. Prohibition of the following uses:
 - a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) delayed deposit services
 - d) pawn brokers
 - e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.

2. Any submitted Site Plan shall adhere to "NPC" Design Guideline that requires the maximum number of off-street parking spaces provide to be limited a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.

3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

For the area proposed for the Limited "M-1" District:

1. Prohibition of the following uses:
 - a) adult entertainment establishments
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services
 - e) pawn brokers
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs,
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - i) taverns and nightclubs.
 - j) contractors equipment storage yard;
 - k) outdoor storage,
 - l) vehicle display for sale or rental,
 - m) circus, carnival, or similar enterprise;
 - n) coalyard, cokeyard, or woodyard,
 - o) concrete mixing or concrete products manufacture,
 - p) bulk storage of flammable liquids,

- q) communication towers and antennas, and
 - r) livery stable or riding academy
2. The building height shall be limited to a maximum of 35 feet.
 3. Any expansion of existing buildings or construction of new buildings shall be constructed of primarily of masonry block material compatible with the existing buildings. Storefronts oriented toward 2nd Avenue may have brick or lap siding material.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation of the north/south alley.

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

Part C) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designations Low Density Residential to General Industrial, Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial and from General Industrial to Commercial: Pedestrian-Oriented Commercial Corridor.

Part D) Staff recommends approval of rezoning to Limited "M-1" Light Industrial District and Limited "NPC" District subject to the following conditions:

For the area proposed for the Limited "NPC" District:

1. Prohibition of the following uses:
 - a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) delayed deposit services
 - d) pawn brokers
 - e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.
2. Any submitted Site Plan shall adhere to "NPC" Design Guideline that requires the maximum number of off-street parking spaces provide to be limited a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

For the area proposed for the Limited "M-1" District:

1. Prohibition of the following uses:

- a) billiard parlor/game room,
- b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
- c) delayed deposit services
- d) pawn brokers
- e) gas stations/convenience stores,
- f) off-premises advertising signs,
- g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
- h) taverns and nightclubs.
- i) contractors equipment storage yard;
- j) outdoor storage,
- k) vehicle display for sale or rental,
- l) circus, carnival, or similar enterprise;
- m) coalyard, cokeyard, or woodyard,
- n) concrete mixing or concrete products manufacture,
- o) bulk storage of flammable liquids,
- p) communication towers and antennas, and
- q) livery stable or riding academy

2. Any expansion of existing buildings or construction of new buildings shall be constructed of primarily of masonry block material compatible with the existing buildings. Storefronts oriented toward 2nd Avenue may have brick or lap siding material.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to vacate the north/south alley in order to assemble it with the adjoining property to the east. After a fire destroyed a portion of the light industrial buildings for Commercial Bag and Supply, the owners are looking to make an addition which would provide additional warehousing space that was lost. While partially developed with light industrial buildings, the western part of that site has been zoned for single-family residential purposes. So the rezoning would also appropriately zone the existing light industrial site and allow for the expansion.

The removal of the destroyed building along 2nd Avenue also provided opportunity to slightly expand and reconfigure the pedestrian oriented commercial development site previously approved for rezoning to a Limited "NPC" on the southeastern portion of the property. Simultaneously a very small area of the "NPC" zoned site will be zoned to "M-

1” to provide setbacks from existing buildings that will help meet required building code separations.

The portion of the north/south alley adjoining the “NPC” zoned area is also looked to be rezoned for inclusion in that commercial redevelopment. Similarly, the portion of the alley adjoining the light industrial development site would look to be rezoned to the “M-1” District.

Any development of the commercial site will require approval of a Site Plan and building elevations by the Plan and Zoning Commission in accordance with the “NPC” Design Guidelines if the property is rezoned to the “NPC” District. Any light industrial expansion or redevelopment as proposed would require a Site Plan which would be reviewed by the Permit and Development Center.

2. Size of Site: 1.77 acres.

3. Existing Zoning (site): “M-1” Light Industrial District, “R1-60” One-Family Low Density Residential District, Limited “NPC” Neighborhood Pedestrian Commercial District, “GGP” Gambling Games Prohibition Overlay District, and “FSO” Freestanding Sign Overlay District.

4. Existing Land Use (site): The northern portion of the site contains existing light industrial/commercial buildings. The southern portion of the site is vacant land that previously contained buildings used for retail that were removed around 2012.

5. Adjacent Land Use and Zoning:

North – “M-1”, “R1-60”, “GGP”, & “FSO”; Uses are a contractors office and single-family dwellings.

South – “M-1”, “R1-60”, “GGP” & “FSO”; Uses are Thai Grocery and University Nursing and Rehabilitation.

East – “M-1”, “GGP”, & “FSO”; Uses are the Des Moines Public Schools Central Kitchen and Des Moines Public Schools Welcome Center.

West – “R1-60” & “GGP”; Uses are vacant land and single-family dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located along the 2nd Avenue corridor where the industrial uses in Central Place transition to the River Bend residential neighborhood. The subject property is a block north of the University Avenue commercial corridor.

7. Applicable Recognized Neighborhood(s): The subject property is located in the River Bend Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 15, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on May 15, 2015 (20 days prior to the hearing) and May 25, 2015 (10 days prior to the hearing) to the River Bend Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the

requested rezoning. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 29, 2015.

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 River Bend Neighborhood Association notices were mailed to Breann Bye, 523 Franklin Avenue, Des Moines, IA 50314.

- 8. Relevant Zoning History:** The City Council rezoned the southern area of the subject property to a Limited "NPC" District on May 21, 2012 by Ordinance No. 15,109 subject to the following conditions:
- (1) Prohibition of the following uses:
 - (a) billiard parlor/game room,
 - (b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - (c) delayed deposit services,
 - (d) pawn brokers,
 - (e) gas stations/convenience stores,
 - (f) off-premises advertising signs,
 - (g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - (h) taverns and nightclubs.
 - (2) Any submitted Site Plan shall adhere to NPC Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
 - (3) Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.
- 9. 2020 Community Character Land Use Plan Designation:** General Industrial, Commercial Pedestrian-Oriented Commercial Corridor and 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, and taking into consideration the criteria set forth in Chapter 18B 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.

The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The portion of the site that is designated Low Density Residential would require amendment to General Industrial to allow for the requested change to the "M-1" District. Also the Limited "NPC" District area will need to be amended from Low Density Residential and General Industrial to Pedestrian-Oriented Commercial Corridor. Finally a portion of the area in the Pedestrian-Oriented Commercial Corridor would need to be amended to General Industrial to be found in conformance with the Des Moines' 2020 Community Character Plan. Staff believes it is appropriate to revise the existing future land use designations to allow for the light industrial redevelopment expansion and the reconfiguration of the pedestrian commercial redevelopment site area.

Because this would bring light industrial zoning closer to the residential neighborhood than the previous site development, there are a number of uses that should be also prohibited as a condition of any rezoning to an "M-1" District. These would include the uses prohibited for the existing limited "NPC" area plus contractors equipment storage yard; circus, carnival, or similar enterprise; coalyard, cokeyard, or woodyard; concrete mixing or concrete products manufacture; bulk storage of flammable liquids, communication towers and antennas; and livery stable or riding academy.

The same prohibited uses should be retained and included with the "NPC" zoning and the extended areas. These uses would include billiard parlor/game rooms, communication towers/antennas (unless as an extension of 20 feet or less from the structure), delayed deposit services, gas stations/convenience stores, off-premises advertising signs, pawn brokers, liquor stores where sale of alcohol and tobacco products exceeds 40% of gross revenues, and taverns and nightclubs.

2. **Urban Design:** The Limited "NPC" District is subject to the design guidelines applicable to Site Plans in that district review by the Plan and Zoning Commission. Staff is confident that these design guidelines will continue to give the Commission the ability to ensure compatible design as part of any commercial redevelopment.

Expansion or redevelopment of the light industrial site is generally only subject to administrative review. The existing conglomeration of structures is generally built with masonry block and flat roof design with the store front portions along 2nd Avenue having a mansard type roof and lap siding exterior with glass store front. Staff would want to ensure as a condition of any rezoning that additions or expansions to the light industrial development remain compatible with the existing materials. This would generally preclude metal exterior materials.

3. **Site Plan Requirements:** Any future development of the site must conform to the City's Site Plan regulations, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access. Site Plans for property that would be within the "NPC" District must be reviewed approved by the Plan and Zoning Commission for the specific "NPC" design guidelines as well as standards applicable to all commercial sites.

SUMMARY OF DISCUSSION

John "Jack" Hilmes recused himself from the discussion.

Erik Lundy presented the staff report and recommendation.

Greg Wattier asked if all the homeowners on the west side of the alley consented to vacation of the alley.

Erik Lundy stated yes.

Will Page asked if the property owner at the far north end who uses the alley had consented.

Erik Lundy stated yes they have consented but they are currently pulling in off the alley. Noted they also have access to their rear yard from Indiana Avenue.

Jacqueline Easley rejoined the meeting.

Jonathan Rosenbloom asked for confirmation that the "M-1" zoning the applicant is seeking would allow a 75 foot tall building and the current zoning allows for a 35 foot height building?

Erik Lundy stated yes.

Jonathan Rosenbloom asked how wide that alley is.

Erik Lundy stated approximately 16 feet.

Jonathan Rosenbloom asked if the 16 feet, which is proposed to be part of the "M-1" District would now be included in the 25 foot setback.

Erik Lundy stated yes, the 16 feet will help them meet the minimum 25 feet setback. The west side of Second Avenue is already zoned "M-1" so the actual height limit is 75 feet for a majority of properties along 2nd Avenue in the vicinity of this request.

Jonathan Rosenbloom asked if the only part needing to be rezoned is that small sliver that cuts out in the middle of the block.

Erik Lundy stated yes. Staff is also requesting to rezone the existing "M-1" to limited "M-1" because the conditions would then apply to the entire site.

Tim Fitzgerald asked if the buildings to the west gave consent why isn't it on the consent map.

Erik Lundy stated they gave consent in the application and were separately notified but did not return a response card.

Sasha Kamper asked would the "M-1" zoning prohibit adult entertainment uses.

Erik Lundy stated adult entertainment is something that would be allowed in “M-1” but not on this property due to proximity of the residential zone. Certainly, the Commission could add that to the proposed list of prohibited uses.

Will Page asked if this property is being rezoned for a business expansion.

Erik Lundy stated it is two purposes. They want to reestablish a portion of their business that they lost to a fire and allow the remainder of the property to be used for a restaurant retail center.

Will Page asked if staff anticipated any additional curb cuts off of Second Avenue.

Erik Lundy stated that it would reduce the number of curb cuts. The Commission will be reviewing a NPC site plan in the future.

Bob Gibson 3405 SE Crossroads Drive, Grimes stated he is in agreement with staff recommendation.

Jonathan Rosenbloom asked what the proposed use will be.

Bob Gibson stated they are planning a 4,000 square feet warehouse expansion to the existing building for their own use on the “M-1” zoned portion of the property and then on the “NPC” part there would be 3,800 square feet of retail that might have three bays in it.

Jonathan Rosenbloom asked if the applicant would agree to just list what is allowed instead of what is not allowed.

Bob Gibson stated he preferred a list of prohibited uses but did not object to prohibition of adult entertainment uses and the maximum height being 35 feet instead of 75 feet.

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

Jonathan Rosenbloom asked if the prohibition of off-premises signs allowed greater on premise signage.

Erik Lundy stated they would earn signage in accordance with “M-1” allowances.

Mike Ludwig stated it would also fall under the freestanding sign overlay district. There are height restrictions on the monument sign.

Erik Lundy stated the frontage will dictate their amount of signage they earn.

Jonathan Rosenbloom moved staff recommendation with three amendments:

- Limit the maximum building height to 35 feet

- Exclude the alley from the rezoning so it cannot be counted as part of the setback; and
- Prohibit adult entertainment uses

Mike Ludwig stated he believes the applicant did not have a chance to comment on the request to remove the alley from the zoning request. He believes the purpose for this request is to have room to build an addition.

Allen VanGundy Simonson & Associates Architect 1717 Ingersoll stated he believes the applicant would have an issue with not counting that alley toward the setback, because they did lose a little bit of square footage in a fire a couple years ago and they are trying to recoup that square footage. The only place they can really do it besides in the "NPC" area to the south which is another project would be on the west side of the property. Looking at the available space between the existing building and the alley and the existing setback that addition would become very narrow and long to recoup that square footage. So in order to make it a more functional space they need to include the 16 feet of alley as part of the rezoning and setback.

Will Page asked if they had a problem with a maximum building height of 35 feet.

Allen VanGundy stated there would be no problem with a maximum building height of 35 feet.

Greg Wattier asked for a friendly amendment to strike the recommendation to exclude the alley from the rezoning and setback.

Jonathan Rosenbloom stated when he was describing it sounded to him that it was more of a discussion about a use variance. He believed that within the confines of the property they have they cannot currently create the building they want and this is why it is a hardship. His concern was the proximity to the residential area to the west and when they signed those agreements to consent to the alley he wonders how much of that information they knew about. Did they know that the building was going to get 16 feet closer to them and that building potentially being 75 feet.

Greg Jones stated it is really only 8 feet closer since they can have half of the alley as it is now.

Erik Lundy explained that the zoning code allows half of the alley to be counted as part of a building setback. So the 25 feet setback is measured from the center under the way it currently sits with the vacation they would gain the other half. (8 feet),

Mike Ludwig noted that by further restricting both the height and the setback the City could be eliminating the potential expansion which is the purpose of the request. He believes the height or the alley is kind of a trade-off.

Greg Wattier asked if public works picks up garbage via the alley or the street.

Erik Lundy stated the trash pick-up is on the street.

Sasha Kamper asked if the applicant decides to build would they have to come back to the Commission.

Erik Lundy stated not for the "M-1" portion of the site. They would have to meet the site plan regulations for bufferyards and landscaping. On the NPC portion, a site plan for new development would be reviewed by the Commission.

Greg Wattier asked if Commission Rosenbloom would accept the friendly amendment to strike the recommendation to not include the alley as part of the zoning and setback.

Jonathan Rosenbloom stated he is swaying that way.

Will Page stated he is more concerned about the height and the point Commissioner Rosenbloom raised was a very valid one and he urged the Commission to keep the height requirement in.

Greg Jones stated he agreed with Commissioner Page.

Jann Freed stated since the neighbors on the west consented she believes they knew.

Tim Fitzgerald asked if there were any past zoning violations on the site.

Mike Ludwig stated he does not know about the zoning enforcement history for this site. However, the decision tonight cannot be based solely on a past violation or an enforcement action.

Jacqueline Easley stated the neighbors who responded has commented that this is a positive move.

Jonathan Rosenbloom stated he would then accept the friendly amendment to strike the recommendation to not include the alley as part of the rezoning and setback but keep the prohibition of adult entertainment uses and restrict the maximum building height to 35 feet.

COMMISSION ACTION:

Jonathan Rosenbloom moved staff recommendation for Part A) approval of the requested vacation of the north/south alley, Part B) that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan existing future land use designation of Low Density Residential, Part C) for approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designations Low Density Residential to General Industrial, Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial and from General Industrial to Commercial: Pedestrian-Oriented Commercial Corridor and Part D) for approval of rezoning to Limited "M-1" Light Industrial District and Limited "NPC" District subject to the following conditions:

For the area proposed for the Limited "NPC" District:

1. Prohibition of the following uses:

- a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) delayed deposit services
 - d) pawn brokers
 - e) gas stations/convenience stores,
 - f) off-premises advertising signs,
 - g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - h) taverns and nightclubs.
2. Any submitted Site Plan shall adhere to "NPC" Design Guideline that requires the maximum number of off-street parking spaces provide to be limited a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
 3. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

For the area proposed for the Limited "M-1" District:

1. Prohibition of the following uses:
 - a) adult entertainment establishments
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services
 - e) pawn brokers
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs,
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
 - i) taverns and nightclubs.
 - j) contractors equipment storage yard;
 - k) outdoor storage,
 - l) vehicle display for sale or rental,
 - m) circus, carnival, or similar enterprise;
 - n) coalyard, cokeyard, or woodyard,
 - o) concrete mixing or concrete products manufacture,
 - p) bulk storage of flammable liquids,
 - q) communication towers and antennas, and
 - r) livery stable or riding academy
2. The building height shall be limited to a maximum of 35 feet.
3. Any expansion of existing buildings or construction of new buildings shall be constructed of primarily of masonry block material compatible with the existing buildings. Storefronts oriented toward 2nd Avenue may have brick or lap siding material.

Motion passed 9-0 (John "Jack" Hilmes had recused himself from the consideration of the item).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

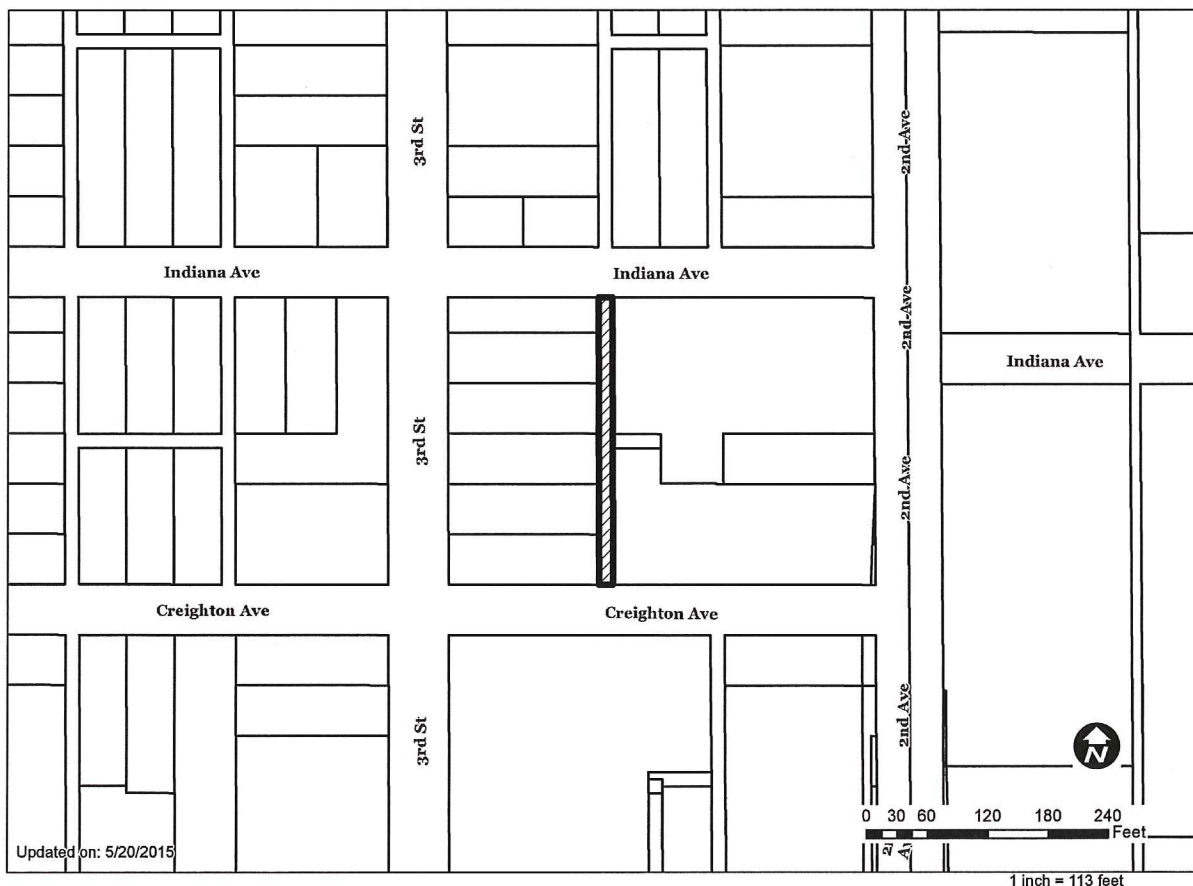
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Attachment

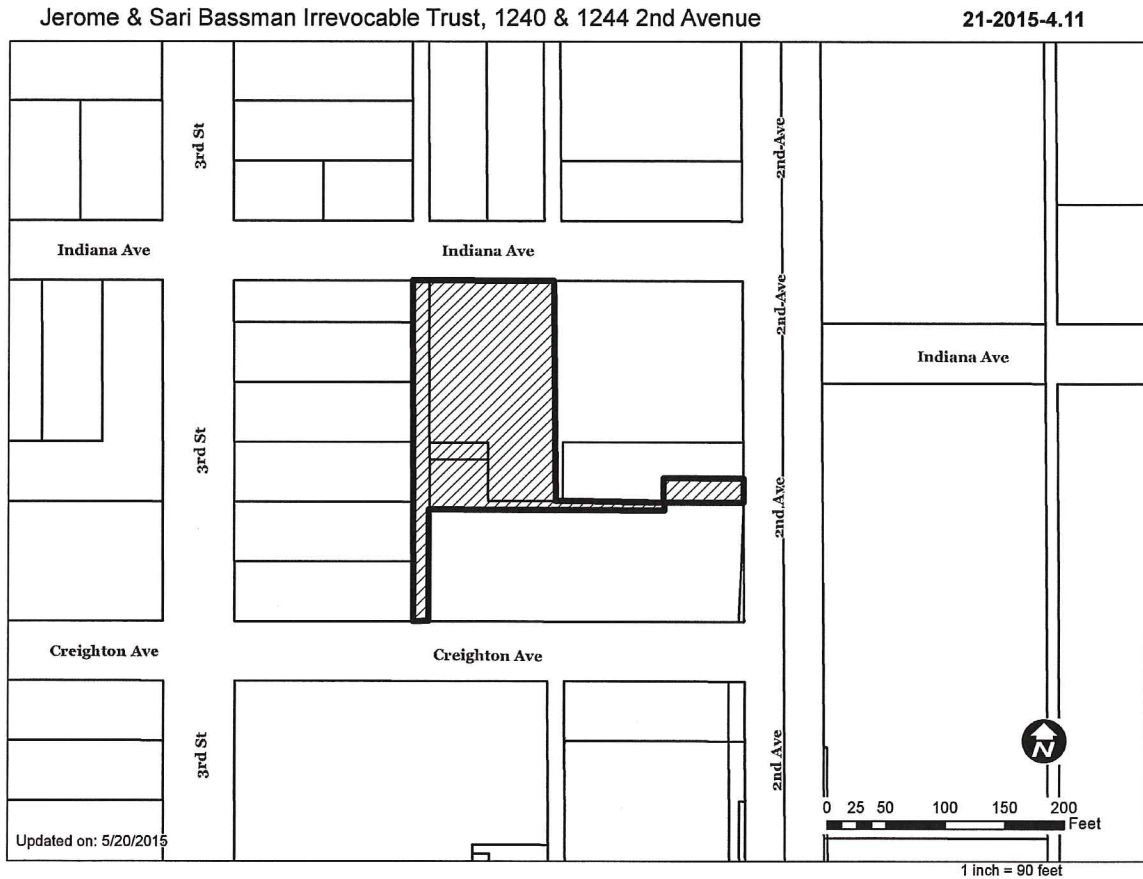
Jerome & Sari Bassman Irrevocable Trust (owner) represented by Sari Bassman (trustee) on property located at 1240 and 1244 2nd Avenue. Additional property is owned by Polk County.				File # 11-2015-1.07	
Description of Action	Approval to vacate the north/south segment of alley between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue.				
2020 Community Character Plan	Current: General Industrial, Low Density Residential, and Commercial: Pedestrian-Oriented Commercial Corridor Proposed: General Industrial and Commercial: Pedestrian-Oriented Commercial Corridor				
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District, Limited "NPC" Neighborhood Pedestrian Commercial District, "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.				
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District, Limited "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Jerome & Sari Bassman Irrevocable Trust, 1244 2nd Avenue

11-2015-1.07



Jerome & Sari Bassman Irrevocable Trust (owner) represented by Sari Bassman (trustee) on property located at 1240 and 1244 2nd Avenue. Additional property is owned by Polk County.		File # 21-2015-4.11			
Description of Action	Approval to amend the Des Moines' 2020 Community Character Plan existing future land use designation from Low Density Residential to General Industrial; from Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial; and from General Industrial to Commercial: Pedestrian-Oriented Commercial Corridor.				
2020 Community Character Plan	Current: General Industrial, Low Density Residential, and Commercial: Pedestrian-Oriented Commercial Corridor Proposed: General Industrial and Commercial: Pedestrian-Oriented Commercial Corridor				
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District, Limited "NPC" Neighborhood Pedestrian Commercial District, "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.				
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District, Limited "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X



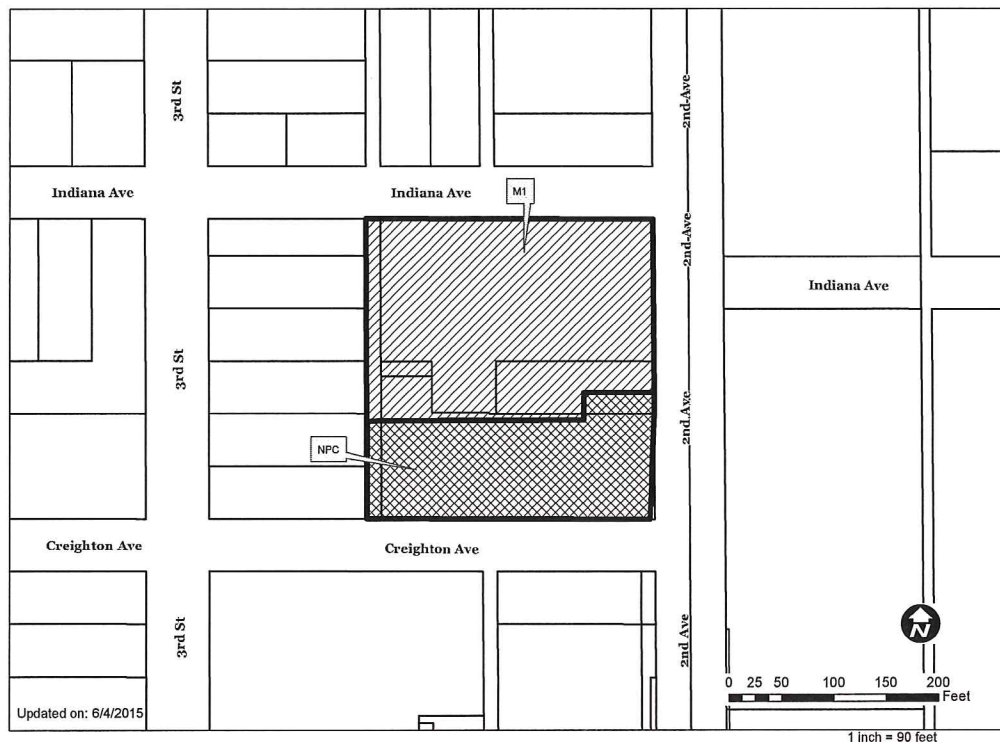
1 inch = 90 feet

2D

Jerome & Sari Bassman Irrevocable Trust (owner) represented by Sari Bassman (trustee) on property located at 1240 and 1244 2nd Avenue. Additional property is owned by Polk County.			File # ZON2015-00069	
Description of Action	Approval to rezone property from "R1-60" One-Family Low-Density Residential District, "NPC" Neighborhood Pedestrian Commercial, and "M-1" Light Industrial District to Limited "M-1" Light Industrial District to allow for expansion of the existing Commercial Bag & Supply retail, warehousing and distribution business at 1244 2nd Avenue and from "M-1" Light Industrial District, "R1-60" One-Family Low Density Residential District, and Limited "NPC" Neighborhood Pedestrian Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow for development of a restaurant with pedestrian-oriented placement toward 2nd Avenue on the southern portion of the block face subject to conditions.			
2020 Community Character Plan	Current: General Industrial, Low Density Residential, and Commercial: Pedestrian-Oriented Commercial Corridor Proposed: General Industrial and Commercial: Pedestrian-Oriented Commercial Corridor			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, Limited "NPC" Neighborhood Pedestrian Commercial District, "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.			
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District, Limited "M-1" Light Industrial District, "GGP" Gambling Games Prohibition District, and "FSO Freestanding Sign Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	0		
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Jerome & Sari Bassman Irrevocable Trust, 1240 & 1244 2nd Avenue

ZON2015-00069A



Updated on: 6/4/2015

Item ZON2015-00069

Date 5-30-15

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

Received after 6/4 meeting

COMMUNITY DEVELOPMENT

Print Name KAMTHORN KULCHAIYANAT

JUN 05 2015

Signature Kamkorn Kulchaiyanat

DEPARTMENT

Address 1220 2ND AVE. SM, TA 50314

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

Four horizontal lines for notes.

Date 5/27/15

Item ZON2015-00069

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

Rocksalt Investments LLC

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT

Print Name

DENNY MARCANO

MAY 29 2015

Signature

[Signature]

Address

1300 2nd Ave, Ds Morris

DEPARTMENT

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

The Bassmans have been good neighbors. They keep their property clean and run a respectable business in an area that could use more responsible property owners to help make beautify the area. Their proposal is justified.

Date 5-27-15

Item ZON2015-00069

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

IMB Group LLC

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT

Print Name

Jennifer Kellis

JUN 02 2015

Signature

[Signature]

Address

1308 2nd Ave.

DEPARTMENT

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

I think this is going to be awesome for all business ground here!!!