



Roll Call Number

Agenda Item Number

52

Date September 28, 2015

**RESOLUTION CONTINUING HEARING ON REQUEST FROM FRANK MARCOVIS, ET AL.
(OWNERS) TO REZONE PROPERTY LOCATED AT 1818 HIGH STREET**

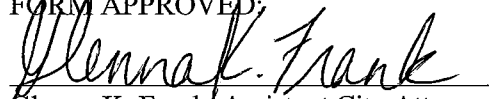
WHEREAS, on September 14, 2015, by Roll Call No. 15-1511, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2015, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Frank Marcovis, et al. (owners) to rezone property located at 1818 High Street ("Property") from "C-2" General Retail and Highway-Oriented District to Limited "C-3A" Central Business District Support Commercial District, to allow for development of an office and warehouse addition to the existing clothing retail store, subject to the conditions listed in said Roll Call and communication; and

WHEREAS, by Roll Call No. 15-1511, the City Council further resolved to set public hearing on the proposed rezoning for 5:00 p.m. on September 28, 2015 in the City Council Chambers; and

WHEREAS, additional time is needed to obtain the Acceptance of Rezoning Conditions from the property owners, and the City's Legal Department is requesting a continuance of the public hearing to October 12, 2015, in order to complete such work.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing regarding the proposed rezoning of 1818 High Street is hereby opened and continued to 5:00 p.m. on October 12, 2015 in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

MOVED by _____ to adopt.

(ZON2015-00141)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

Date September 28, 2015Agenda Item 52

Roll Call



CITY OF DES MOINES

COMMUNITY DEVELOPMENT

September 1, 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 August 20, 2015, the following action was taken regarding a request from Frank Marcovis, et al. (owners) to rezone property located at 1818 High Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 | X | | | |
| Greg Jones | X | | | |
| Sasha Kamper | X | | | |
| Brian Millard | X | | | |
| William Page | X | | | |
| Jonathan Rosenbloom | X | | | |
| Mike Simonson | | | | X |
| CJ Stephens | X | | | |
| Greg Wattier | X | | | |

APPROVAL of Part A) the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan and Part B) approval of rezoning the property to a Limited "C-3A" District with additional landscaping subject to the conditions: (ZON2015-00141)

1. Any building constructed shall comply with the following design standards as approved by the Planning Administrator.
 - a) Buildings shall frame the street and maintain a minimal setback from the street.
 - b) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total

- b) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street façade. Actual percentage will be subject to approval of the Planning Administrator.
 - c) The front entrance should be oriented to the street.
 - d) Siding materials should consist of brick, stone, or other comparable durable material. Other material types may be used for accent purposes.
 - e) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
2. Prohibition of the following uses:
- a) Adult entertainment establishments.
 - b) Assembly and packaging of small components from the following previously prepared materials: metal, wood, plastic, paper or rubber.
 - c) Automobile body and fender repair shop, but not including wrecking or used parts yards or outside storage of automobile component parts.
 - d) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales.
 - e) Billiard parlor/game room.
 - f) Communication Tower/Antenna (would therefore only be allowed by a Special Permit).
 - g) Gas Stations/convenience stores.
 - h) Lumberyards and building material sales yards.
 - i) Manufacturing, packaging and storage of dairy products.
 - j) Manufacture or treatment of products incidental to the conduct of a retail business carried out on the premises.
 - k) Printing and publishing houses.
 - l) Storage of nonflammable and non-explosive goods.
 - m) Taverns and night clubs.
 - n) Transportation passenger terminals, including bus stations, railroad passenger stations or other passenger terminals.
 - o) Truck rental establishments.
 - p) Off-premises advertising signs.
 - q) Machine shops.
 - r) Package goods liquor store.
 - s) Sheet metal shops
 - t) Mobile home parks
3. Prohibition of the following additional uses:
- Delayed deposit services/pawnbrokers;
 - Tobacco alternative nicotine
 - Vapor product stores.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of rezoning the property to a Limited "C-3A" District subject to the conditions:

1. Any building constructed shall comply with the following design standards as approved by the Planning Administrator.
 - a) Buildings shall frame the street and maintain a minimal setback from the street.
 - b) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street façade. Actual percentage will be subject to approval of the Planning Administrator.
 - c) The front entrance should be oriented to the street.
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 - d) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales.
 - e) Billiard parlor/game room.
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 - i) Manufacturing, packaging and storage of dairy products.
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 - k) Printing and publishing houses.
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 - m) Taverns and night clubs.
 - n) Transportation passenger terminals, including bus stations, railroad passenger stations or other passenger terminals.
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 - p) Off-premises advertising signs.

- q) Machine shops.
- r) Package goods liquor store.
- s) Sheet metal shops
- t) Mobile home parks

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the construction of a warehouse addition to support the G&L Clothing Store that is located on the property to the south.
2. **Size of Site:** 123 feet by 132 feet (16,236 square feet by 0.373 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Surface parking lot.
5. **Adjacent Land Use and Zoning:**
 - North** – "NPC" & "C-2"; Uses are multiple-family residential.
 - South** – "C-3A"; Use a retail clothing store owned by the applicant.
 - East** – "NPC"; Use is a residential apartment building.
 - West** – "C-3A"; Use is an office building owned by the applicant.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the southern portion of the Sherman Hill Neighborhood. The immediate area contains a mix of multiple-family residential and commercial uses and is not located within the Sherman Hill Local Historic District.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Sherman Hill Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 31, 2015. Additionally, separate notifications of the hearing for the rezoning were mailed on July 31, 2015 (20 days prior to the hearing) and on August 10, 2015 (10 days prior to the hearing) to the Sherman Hill Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to the neighborhood on August 14, 2015.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Sherman Hill Neighborhood Association notices were

mailed to David Schlarmann, 1503 Center Street, Des Moines, IA 50314

- 8. Relevant Zoning History:** The applicant's property to the south (1801 Ingersoll Avenue) was rezoned to a Limited "C-3A" District on July 10, 1995, by Ordinance Number 13,209 subject to the following conditions.

- (1) The height of any building or other structure located upon the Property shall not exceed 45 feet above ground level.*
- (2) The following uses of structures or land shall NOT be permitted upon the Property, notwithstanding that such uses would otherwise be permitted in the "C-3A" Central Business District Support Commercial District:*
 - (a) Taverns and night clubs, including private clubs*
 - (b) Adult Entertainment business*
 - (c) The selling of gasoline or other fuels as a principal or accessory use, including gas stations and convenience stores which sell such fuels.*
 - (d) Lumber yards and building materials sales yards.*
 - (e) Off-premise advertising signs*
 - (f) Mobile home parks*

The applicant's property to the west (1812 High Street) was rezoned to a Limited "C-3A" District on June 4, 2001, by Ordinance Number 13,956 subject to the following condition.

Issuance of a building permit for work on the Property shall be subject to review and approval by the Planning Director. The Planning Director shall review the exterior design and materials of any addition to the existing building or construction of a new building on the Property, and may withhold the permit if the exterior design and materials are not compatible with and complimentary to the existing buildings in the area.

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

- 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Urban Design:** Much of the High Street corridor in the area is zoned “NPC” District. Development in the “NPC” District is subject to the following architectural design guidelines as found in Section 82-214 of the City Code.
 1. *Buildings should frame the street and maintain a minimal setback from the street.*
 2. *The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.*
 3. *The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.*
 4. *Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.*
 5. *Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.*
 6. *Building frontage should occupy at least 50 percent of the primary street frontage.*

Staff believes that these guidelines should be the basis for the design of any future building at this property to ensure that it is compatible with the desired character for the area.
2. **Site Development:** Any development of the site is subject to compliance with all applicable site plan, storm water, parking and landscaping requirements.
3. **2020 Community Character Plan:** Staff believes the proposed rezoning conforms to the Des Moines’ 2020 Community Character Plan Future Land Use designation of Support Commercial so long as the permitted uses are limited such that any future use of the property does not negatively impact the residential uses in the area and the building design is appropriate to the character of the High Street corridor.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Greg Jones asked why not just rezone the property to “NPC”.

Jason Van Essen stated “NPC” does not allow the proposed warehouse function.

Allen Vangundy Simonson and Associates Architects 1717 Ingersoll stated they are representing G&L Clothing and they are in support of staff recommendation.

Jonathan Rosenbloom asked what the applicant envisions for the area between the sidewalk and the street.

Allen Vangundy stated he believes it would be appropriate to consider that a landscape area, primarily bushes and ornamental grasses. It is the north side of the building which would make it a little bit more challenging to find plant material that will grow there.

Jonathan Rosenbloom explained that his concern is with the façade that is envisioned. There is not much engagement and if there is nothing on the other side of the sidewalk it is going to be the opposite of pedestrian friendly.

Allen Vangundy stated because it is a public right-of-way they would request that the City weigh in on what needs to happen between the curb of the street and sidewalk.

CHAIRPERSON OPENED THE PUBLIC HEARING

Steve Jacob 1707 High Street stated what the applicant is planning to do here is great for the neighborhood. He just hopes that in the process of this work that there will be some nice landscaping between the building and the public sidewalk. He is in support of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

John "Jack" Hilmes stated the Marcovis family and G&L Clothing has been a stellar business in this community for a lot of years. He is glad to see the improvement in the neighborhood and believes there will be a lot of positives to come from this.

CJ Stephens stated she would like to see an additional staff recommendation to include some landscaping.

Brian Millard asked if there is any streetscape plan or any guidance on this.

Jason Van Essen stated there is Ingersoll Streetscape which is to the south. The site plan is going to have to comply with the City's landscape standards.

Jonathan Rosenbloom asked staff to provide the Commission with a copy of the final site plan.

Sasha Kamper asked if the owner would be willing to have one of the conditions be prohibit of check into cash stores, cigarettes and vaping stores.

Allen VanGundy stated yes, the applicant would be willing to agree to the tobacco sales prohibition.

Sasha Kamper asked for a friendly amendment to include prohibition against check into cash, cigarette and vaping stores for uses.

CJ Stephens stated she accepts the friendly amendment.

Jacqueline Easley asked is there a City Ordinance that would have prevented check into cash, cigarette and vaping store uses.

Mike Ludwig stated those uses are not prohibited they are just required to have separation distances in the applicable zoning districts.

COMMISSION ACTION:

CJ Stephens moved staff recommendation Part A) the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan and Part B) approval of rezoning the property to a Limited "C-3A" District with additional landscaping subject to the conditions:

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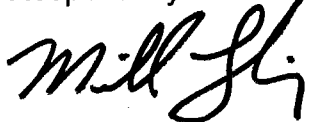
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3. Prohibition of the following additional uses:

- Delayed deposit services/pawnbrokers;
- Tobacco store
- Alternative nicotine and Vapor product stores.

Motion passed 12-0.

Respectfully submitted,



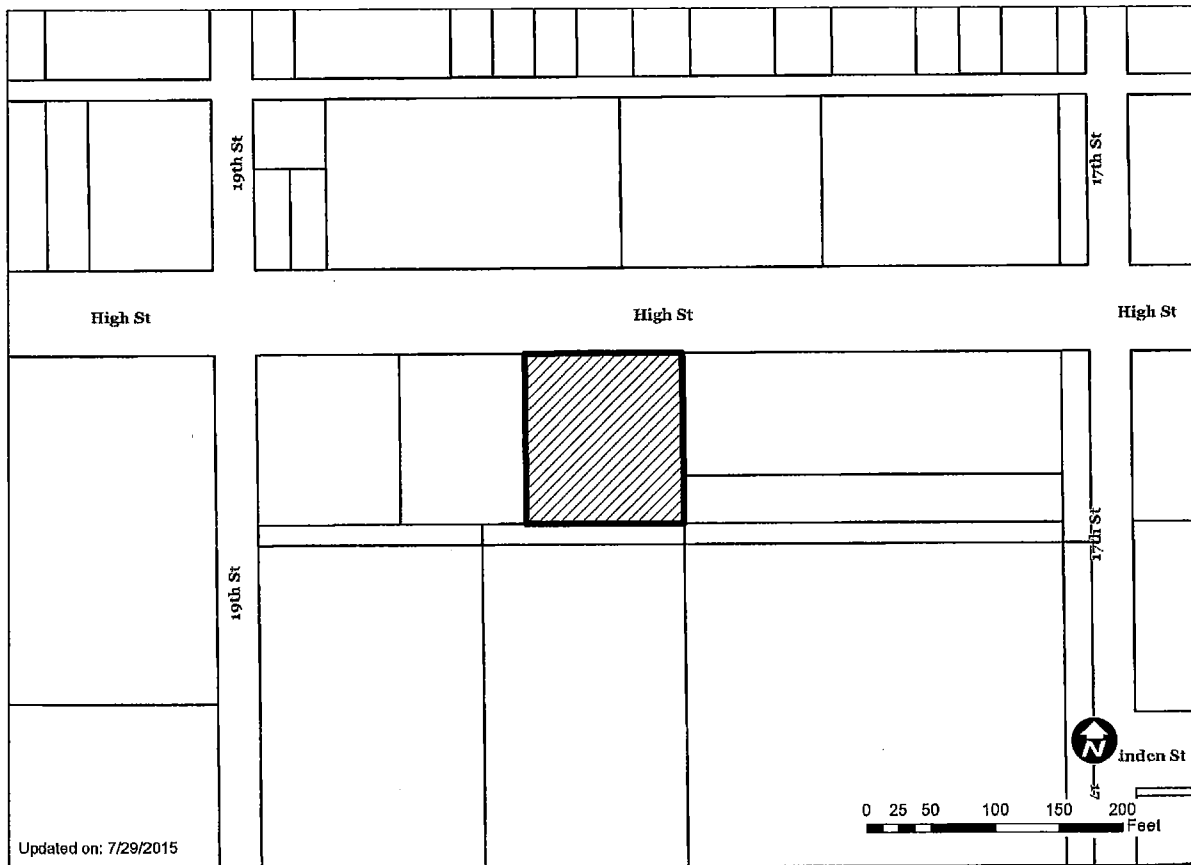
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

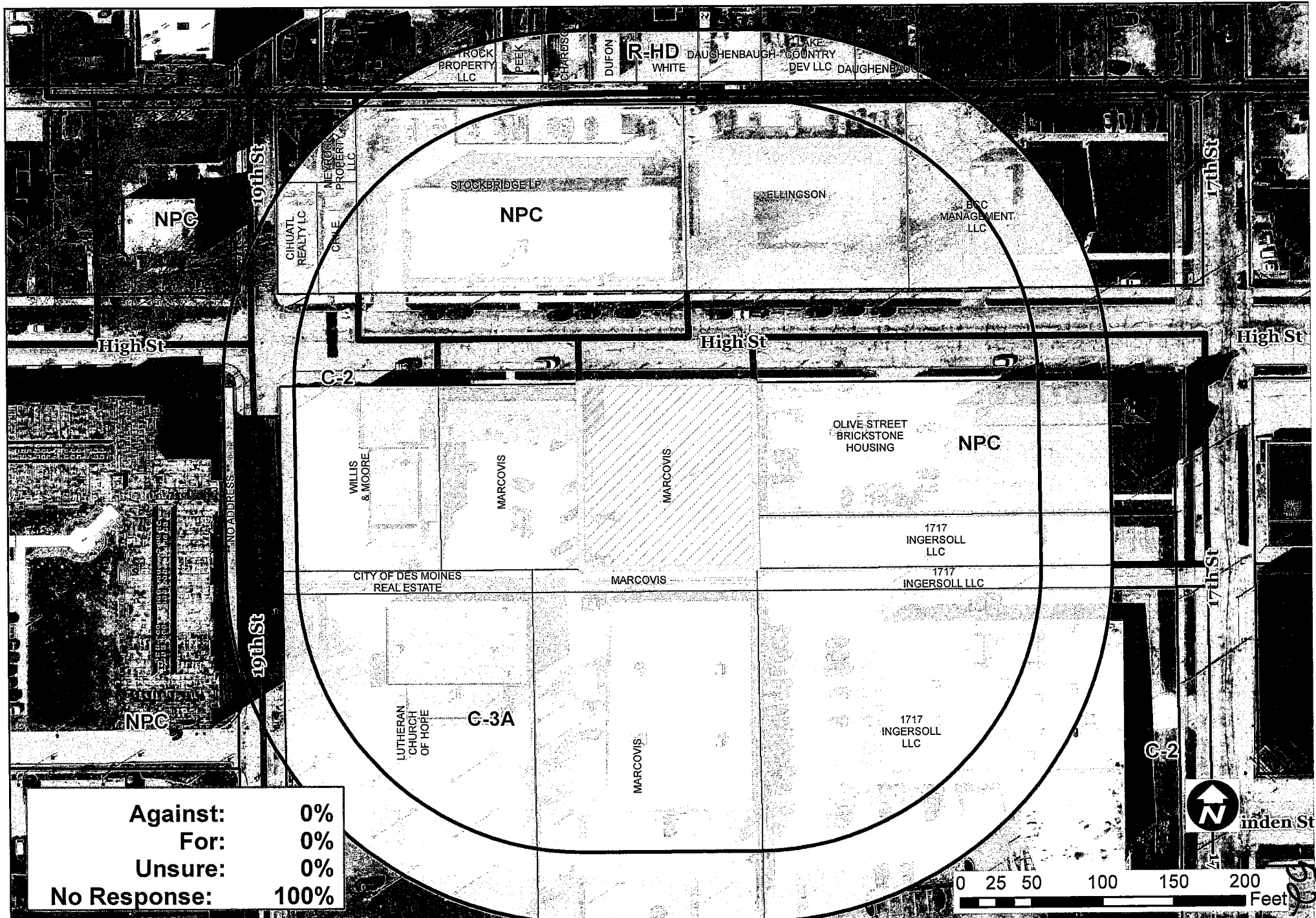
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|--|---|-------------------------|--|
| Request from Frank Marcovis, et al. (owners) regarding property located at 1818 High Street. | | File # ZON2015-00141 | |
| Description of Action | Approval of request to rezone property from "C-2" General Retail and Highway-Oriented District to "C-3A" Central Business District Support Commercial District, to allow for development of an office and warehouse addition to the existing clothing retail store subject to conditions. | | |
| 2020 Community Character Plan | Current: Support Commercial. Proposed: N/A. | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | |
| Current Zoning District | "C-2" General Retail and Highway-Oriented District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District. | | |
| Proposed Zoning District | "C-3A" Central Business District Support Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District. | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined |
| Inside Area | | | |
| Outside Area | | | |
| Plan and Zoning Commission Action | Approval | 12-0 | Required 6/7 Vote of the City Council |
| | Denial | | |
| | | | Yes |
| | | | No |
| | | | X |

Frank Marcovis, 1818 High Street

ZON2015-00141



1 inch = 88 feet



| | |
|--------------|------|
| Against: | 0% |
| For: | 0% |
| Unsure: | 0% |
| No Response: | 100% |