

.....
Date December 7, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM T. MICHAEL PRICE
TO REZONE PROPERTY LOCATED AT 1545 2ND PLACE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held November 19, 2015, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from T. Michael Price (owner) to rezone real property locally known as 1545 2nd Place ("Property") from "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District to allow use of the Property for off-street parking use in support of a contractor's business and storage yard, subject to the following conditions:

1. Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allowed in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.
2. The Property shall be developed and landscaped in accordance with a Site Plan approved by the City's Permit and Development Center, which shall be in substantial compliance with the preliminary site plan of the Property submitted to the City with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the Property.
 - b. Storage of vehicles, containers, and materials in excess of 10 feet in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.
3. There shall be no extension of parking to serve any use on the Property into any adjoining residentially zoned property.
4. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This Site Plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties;
and

WHEREAS, the Property is legally described as follows:

The North 25 feet of Lot 26 and all of Lot 27 and the West half of the vacated alley (being Lot C) lying east of and adjacent thereto, all in MARSHALL'S SECOND ADDITION, an Official Plat, now included in an forming a part of the City of Des Moines, Polk County, Iowa.



Roll Call Number

Agenda Item Number

22

Date December 7, 2015

-2-

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 December 21, 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:

Lawrence R. McDowell
Deputy City Attorney

(ZON2015-00198)

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

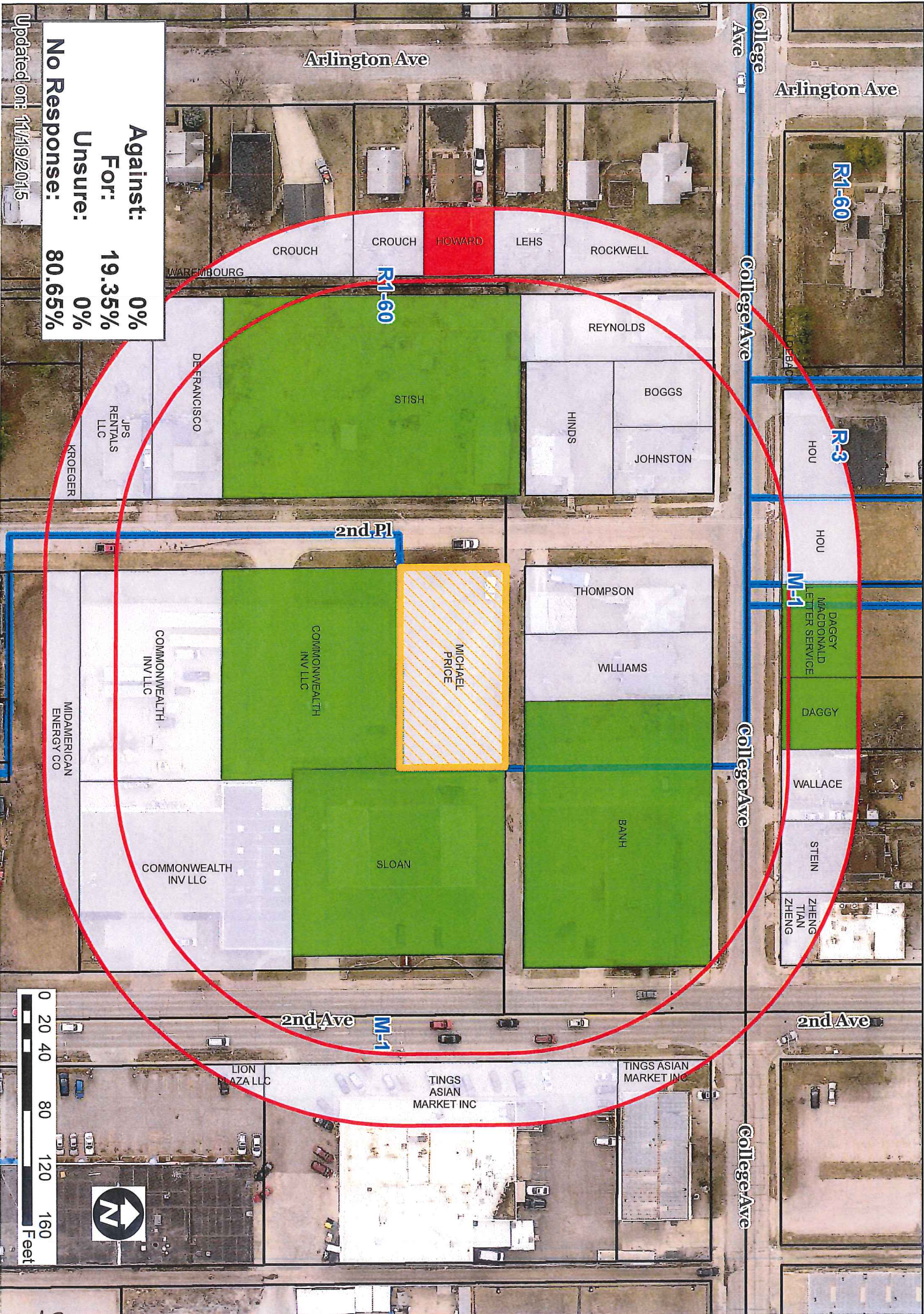
CERTIFICATE

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



Against: 0%
 For: 19.35%
 Unsure: 0%
 No Response: 80.65%

Updated on: 11/19/2015

22



December 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 November 19, 2015, the following action was taken regarding a request from T. Michael Price (owner) to rezone property located at 1545 2nd Place.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

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

APPROVAL of staff recommendation regarding Part A) that the requested rezoning is not in conformance with the existing Des Moines 2020 Community Character Plan designations of Low-Density Residential; approval of Part B) the requested future land use amendment to General Industrial and approval of Part C) the requested rezoning to a limited "M-1" District subject to the following conditions. (21-2015-4.22 & ZON2015-00198)

1. Only the following uses of land and structures shall be permitted on the property:
 - a. Any use allow in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.

- c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.
2. The property shall be developed and landscaped in accordance with an approved Site Plan, which shall be in substantial compliance with the preliminary site plan of the property with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the property.
 - b. Storage of vehicles, containers, and materials in excess of 10 foot in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.
 3. There shall be no extension of parking to serve any use on the property, into any adjoining residentially zoned land.
 4. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested future land use amendment to General Industrial.

Part C) Staff recommends approval of the requested rezoning to the "M-1" District subject to the following conditions.

1. Only the following uses of land and structures shall be permitted on the property:
 - a. Any use allow in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.
2. The property shall be developed and landscaped in accordance with an approved Site Plan, which shall be in substantial compliance with the preliminary site plan of the property with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the property.
 - b. Storage of vehicles, containers, and materials in excess of 10 foot in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.

3. There shall be no extension of parking to serve any use on the property, into any adjoining residentially zoned land.
4. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

Written Responses

5 In Favor

1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone property to the north of an existing electrical contracting business. The proposed rezoning will allow the applicant to locate a parking expansion for the contracting business on the subject site.
2. **Size of Site:** 75 feet by 140 feet (10,500 square feet).
3. **Existing Zoning (site):** "R1-60" One Family, Low-Density Residential, "GGP" Gambling Games Prohibition District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Undeveloped land.
5. **General Neighborhood/Area Land Uses:** The subject property is located west of the 2nd Avenue corridor and south of College Avenue. An existing electrical contracting business adjoins the subject property to the south and is zoned Limited "M-1". The surrounding properties contain a mix of residential and commercial uses.
6. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Uses include alley right-of-way, residential and retail (Oriental Gifts) uses.
 - South** – Limited "M-1", Use is light industrial (Commonwealth Electric Company).
 - East** – "M-1", Use is retail (Doherty's Flowers).
 - West** – "R1-60"; Uses include 2nd Place right-of-way and single-family residential.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the River Bend Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 20, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on October 16, 2015 (20 days prior to the initial public hearing) and October 26, 2015 (10 days prior to the initial public 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 site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 30, 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 River Bend Neighborhood Association notices were mailed to Breanne Barnum, 1510 9th Street, Des Moines, IA 50314.

The applicant has scheduled a neighborhood meeting on November 17, 2015 and will be asked to provide a summary of the events at the public hearing.

8. Relevant Zoning History: On July 24, 2000 by Ordinance No. 13,847 the City Council rezoned the neighboring property located at 1527 2nd Place to Limited "M-1" with the following conditions:

1. Only the following uses of land and structures shall be permitted on the property:
 1. Any use permitted in the "C-0", Commercial-Residential District.
 2. Office buildings not to exceed 30,000 square feet gross floor area.
 3. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 4. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 5. Express hauling and storage yards.
2. By December 31, 2001, the Property, exclusive of Lot 21, shall be developed and landscaped in accordance with an approved site plan, which shall be in substantial compliance with the preliminary site plan of the Property prepared by Charles J. Bishop, P.E. for Commonwealth Electric Company dated June 16, 2000, with the following amendments and changes:
 1. No vehicle turnaround is required at the end of the North/South alley.
 2. All uses, including off-street parking, shall be setback at least 25 feet and screened by a six foot tall opaque screen.
3. Storage of vehicles, containers, and materials in excess of 10 foot in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.
4. There shall be no extension of parking to serve any use on the Property, exclusive of Lot 21, into any adjoining residentially zoned land.

9. 2020 Community Character Land Use Plan Designation: Low Density Residential. In order to rezone to "M-1" as requested, the Comprehensive Plan would be required to be amended to an "Industrial" land use designation.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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. 2020 Community Character Plan: The proposed rezoning to the “M-1” District with no limitations is not compatible with the Low Density Residential future land use designation. The property to the south is zoned Limited “M-1”. Staff believes that any Light Industrial designation for the subject property would only be appropriate if similarly limited since it is located directly across from a low density residential area. Staff believes that it would be appropriate to amend the Low Density Residential future land use designation for the property so long as the permitted uses are limited to those permitted in the “C-0” District.

The proposed rezoning will allow the applicant to construct a parking expansion for the contracting business use to the south of the subject property. The contracting business use has existed for more than 35 years. In that time no complaint with regard to the use or activity has been brought to the attention of the City. This is one of the few areas in the City where industrial abuts residential. The applicant’s proposal in combination with a street and alley will serve as an adequate protection between the residential and industrial use so long as a 6-foot tall fence is provided along the north and east of the property and adequate buffering is provided and maintained.

- 2. 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.
- 3. Access or Parking:** The applicant has submitted a scaled site sketch that indicates one access drive from 2nd Place. The paved parking would be setback 25 feet from the Street right-of-way and 14 feet from the alley right-of-way to the north.
- 4. Landscaping & Buffering:** The applicant has submitted a site sketch that identifies parking area and 25 foot setback along 2nd Place that would match the Limited “M-1” zoned property to the south of the subject site. The sketch does not identify landscape areas and types of landscaping. Any site development would require compliance with Landscaping Policies for “C-2” zoned properties to match the conditions for the Limited “M-1” District to the south. This includes a minimum width of 10 feet with 1 overstory tree and 3 shrubs per 50 lineal feet. In this instance 1 overstory tree and 5 shrubs would be required along the perimeter of the parking lot from 2nd Place and 3 overstory trees and 8 shrubs would be required along the perimeter of the parking lot from alley right-of-way to the north of the subject site.

5. **Drainage/Grading:** Any additional development of the site must comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. If the rezoning is approved, a Site Plan will be required for the property to be brought into conformance for a change of use.
6. **Additional Information:** Should the rezoning be denied by the City Council, the applicant has the ability to request a Use Variance from the Zoning Board of Adjustment. A Use Variance cannot be considered by the Board until after a rezoning has been denied. A Use Variance would not require the 2020 Community Character Plan's future land use designation to be amended

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles moved staff recommendation Part A) to find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan; approval of Part B) the requested future land use amendment to General Industrial and approval of Part C) the requested rezoning to the "M-1" District subject to the following conditions.

1. Only the following uses of land and structures shall be permitted on the property:
 - a. Any use allow in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
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3. There shall be no extension of parking to serve any use on the property, into any adjoining residentially zoned land.

4. Any development upon the site shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

Respectfully submitted,



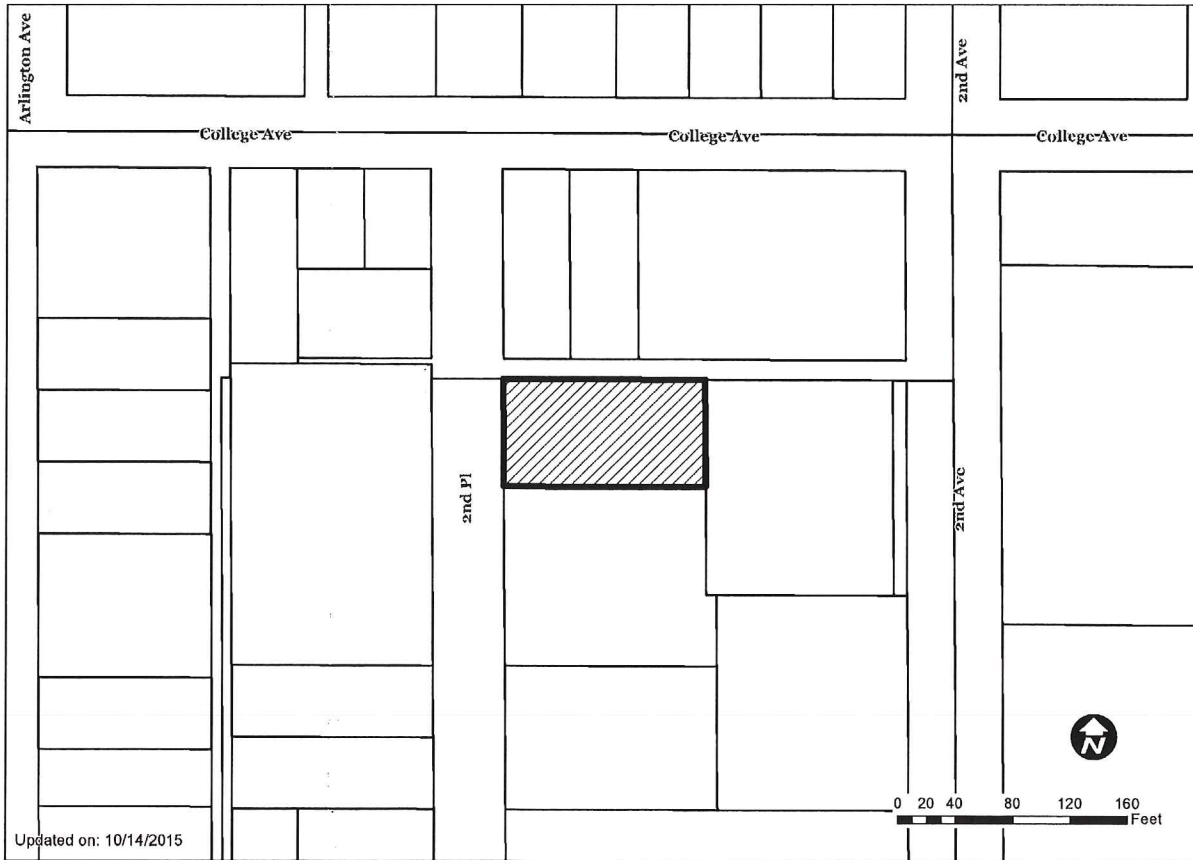
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

T. Michael Price (owner) for property located at 1545 2nd Place.				File #	
				21-2015-4.22	
Description of Action		Approval of request to amend the Des Moines 2020 Community Character Plan existing future land use designation from Low Density Residential to General Industrial.			
2020 Community Character Plan		Current: Low Density Residential. Proposed: General Industrial.			
Mobilizing Tomorrow Transportation Plan		N/A			
Current Zoning District		"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		Limited "M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area					
Outside Area					
Plan and Zoning Commission Action		Approval	8-0	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

Price, 1545 2nd Place

21-2015-4.22

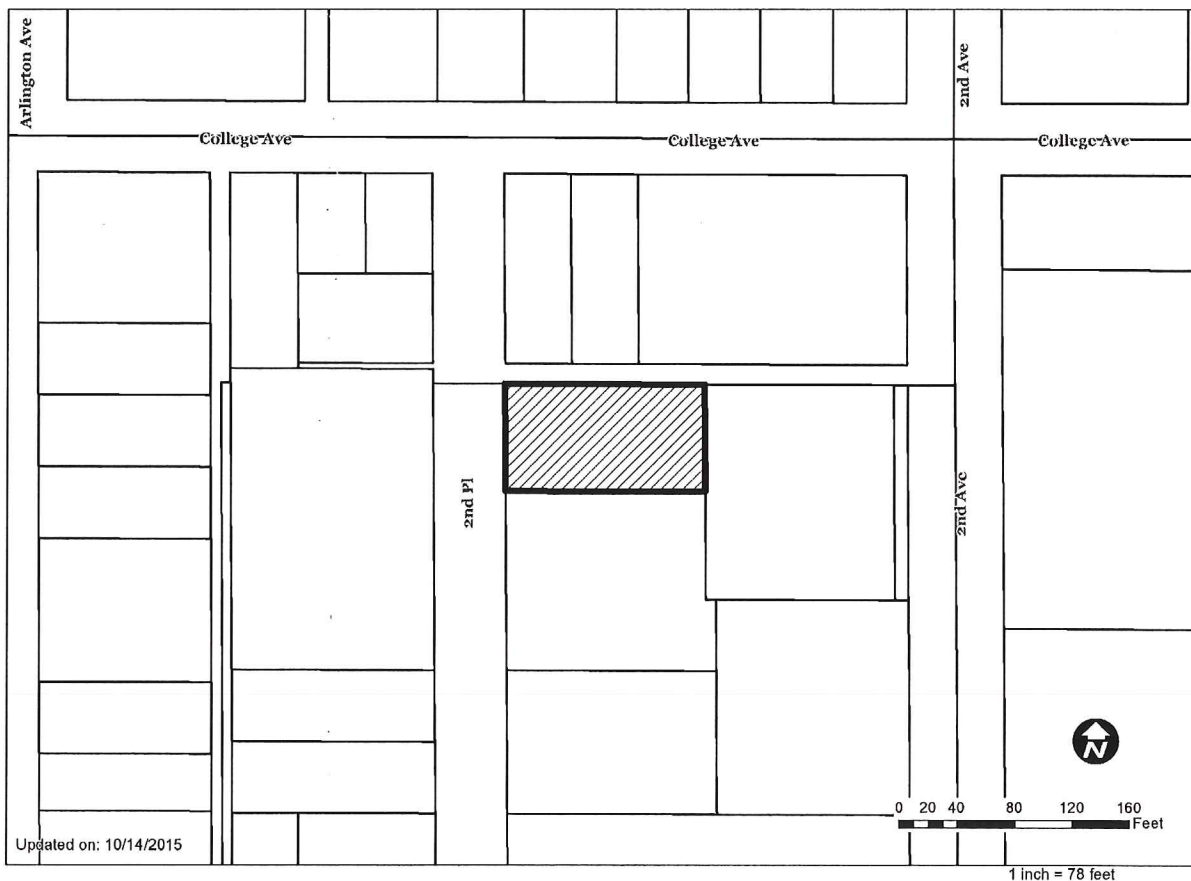


1 inch = 78 feet

T. Michael Price (owner) for property located at 1545 2nd Place.				File #	
				ZON2015-00198	
Description of Action		Approval of request to rezone property from "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District to allow use of the property for off-street parking use in support of a contractor's business and storage yard subject to conditions.			
2020 Community Character Plan		Current: Low Density Residential. Proposed: General Industrial.			
Mobilizing Tomorrow Transportation Plan		N/A			
Current Zoning District		"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		Limited "M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		5	1		
Outside Area					
Plan and Zoning Commission Action		Approval	8-0	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

Price, 1545 2nd Place

ZON2015-00198



1 inch = 78 feet

Item ZON2015-00198

Date 11-2-15

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

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT

Print Name Robyn Sloan

Signature Robyn Sloan

NOV 06 2015

Address 1530 2nd Ave DSM

DEPARTMENT

50314

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

I own Doherty's Flowers which is next to this property. It would clean up the area. Right now people park cars on it, throw trash - and overgrown bushes + weeds. Its dark there + people cut through - I wish we could close the alley too!

Item ZON2015-00198

Date 28 Oct 15

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

NOV 04 2015

DEPARTMENT

Print Name Mark C. Daggy

Signature Mark C Daggy

Address 1632 Ohio St.
215/219 College Ave.

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

Any development on Des Moines' near north side is a good thing.

Item ZON2015-00198

Date 10-29-15

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

NOV 03 2015

DEPARTMENT

Print Name George + Elaine Stish

Signature George Stish

Address 1546 2nd Place D.M.

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

Beautify This area, Get Rid of an eyesore

22

ZON2015-00198

Item ZON2015-00198
I (am) (am not) in favor of the request.

Date NOVEMBER 02, 2015

Commonwealth Int. LLC

(Circle One)
RECEIVED

COMMUNITY DEVELOPMENT

Print Name GLEN MOSS

Signature [Signature]

NOV 09 2015

Address P.O. Box 80638 LINCOLN, NE 68501

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

REQUEST IS FROM A RELATED PARTY.

DEPARTMENT

ZON2015-00198

Item ZON2015-00198
I (am) (am not) in favor of the request.

Date 11/6/15

(Circle One)
RECEIVED

COMMUNITY DEVELOPMENT

Print Name ANNETTE BANH

Signature [Signature]

NOV 13 2015

DEPARTMENT

Address 3005 NW 13th ST ANKENY, IA

50023

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

Item ZON2015-00198

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

Date 10/28/2016

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Sever Howard
Signature [Signature]
Address 1535 Arling Terrace Ave.

NOV 02 2015

DEPARTMENT

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

Excessive Noise