

Date September 26, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
CENTRAL IOWA FENCING, LTD. TO REZONE PROPERTY LOCATED AT  
1820 EAST ARMY POST ROAD**

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1518, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 1, 2016, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Central Iowa Fencing, Ltd. (purchaser), represented by Mark A. Dunahoo (officer), to rezone property located at 1820 East Army Post Road ("Property") from "C-2" General Retail and Highway Oriented Commercial District to Limited "M-1" Light Industrial District, to allow for reuse for a fencing contractor business with retail, office and outdoor storage components, subject to the following conditions:

1. Permitted uses on the Property shall be limited to the following:
  - a) Uses as permitted in the "C-2" District, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity; and
  - b) Fencing contractor business with retail, office and outdoor storage components.
2. Any outdoor storage on the Property shall comply with the following requirements:
  - a) Any outdoor storage shall be located to the north (rear) of the structure.
  - b) Any outdoor storage shall be screened from view with fencing of a height and material acceptable to the Planning Administrator, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
  - c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
  - d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
3. Prior to issuance of any Certificate of Occupancy for the Property, the Property shall be brought into conformance with a Site Plan as reviewed and approved by the City's Permit and Development Center.
4. Any development of the Property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District; 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**, 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 1820 East Army Post Road, legally described as:

Lot 41 in NEW HOPE, an Official Plat, except commencing at the Southwest corner of Lot 41 in NEW HOPE; thence North 33.3 feet along the West line of Lot 41; thence Easterly to a point on the East line of

Date September 12, 2016

Lot 41; 30.8 feet North of the Southeast Corner of Lot 41; thence South 30.8 feet along the East line of Lot 41 to the Southeastern Corner of Lot 41; thence West to the point of beginning, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all easements, covenants, and restrictions of record.

from "C-2" General Retail and Highway Oriented Commercial District to Limited "M-1" Light Industrial District, to allow for reuse for a fencing contractor business with retail, office and outdoor storage components, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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

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

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*  
 Glenna K. Frank, Assistant City Attorney

(ZON2016-00155)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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.

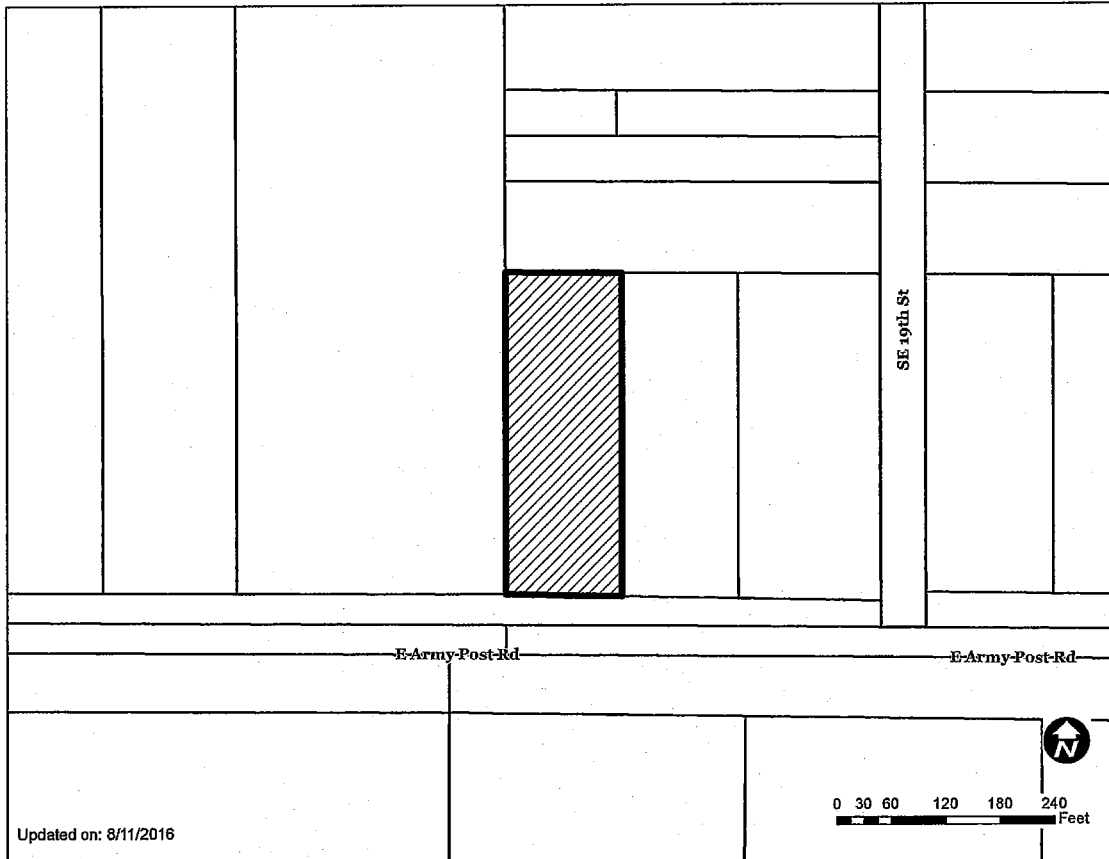
\_\_\_\_\_  
 City Clerk

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Central Iowa Fencing, LTD. (purchaser) represented by Mark A. Dunahoo (officer) for property located at 1820 East Army Post Road. The subject property is owned by Robert F. Etzell, II.			File # ZON2016-00155	
Description of Action	Approval of request to rezone the subject property from "C-2" General Retail and Highway Oriented Commercial District to "M-1" Light Industrial District, to allow reuse of the property for a fencing contractor business with retail, office and outdoor storage components.			
Plan/DSM Future Land Use	Current: Business Park. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	East Army Post Road Widening.			
Current Zoning District	C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"M-1" Light Industrial 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	Yes
	Denial			No

Dunahoo, 1820 East Army Post Road

ZON2016-00155



1 inch = 125 feet

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September 8, 2016

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 September 1, 2016, the following action was taken regarding a request from Central Iowa Fencing, LTD. (purchaser) represented by Mark A. Dunahoo (officer) for the following regarding property located at 1820 East Army Post Road. The subject property is owned by Robert F. Etzel, II.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of staff recommendation Part A) that the find the requested rezoning to "M-1" Light Industrial District is in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan so long as the site is operated in compliance with the conditions listed in Part B of

the staff recommendation, approval of Part B) the requested rezoning subject to the following conditions. (ZON2016-00155)

1. Permitted uses shall be limited to the following:
  - a) Uses as permitted in the "C-2" District, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by post-dated checks or payroll guarantee as their primary activity; and
  - b) Fencing contractor business with retail, office and outdoor storage components.
2. Any outdoor storage on the property shall comply with the following requirements.
  - a) Any outdoor storage shall be located to the north (rear) of the structure.
  - b) Any outdoor storage shall be screened from view with other fencing options than solid wood as approved by the administrator with provisions for maintenance of solid fencing material, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
  - c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
  - d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
3. Prior to issuance of any Certificate of Occupancy for the property, the site shall be brought into conformance with a Site Plan as reviewed and approved by the City's Permit and Development Center.
4. Any development of the property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District.

#### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the requested rezoning to "M-1" Light Industrial District is in conformance with the PlanDSM: Creating Our Tomorrow land use plan so long as the site is operated in compliance with the conditions listed in Part B of the staff recommendation.

Part B) Staff recommends approval of the requested rezoning subject to the following conditions.

1. Permitted uses shall be limited to the following:
  - a) Uses as permitted in the "C-2" District, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial

service centers that provide check cashing and loans secured by post-dated checks or payroll guarantee as their primary activity; and

- b) Fencing contractor business with retail, office and outdoor storage components.
2. Any outdoor storage on the property shall comply with the following requirements.
    - a) Any outdoor storage shall be located to the north (rear) of the structure.
    - b) Any outdoor storage shall be screened from view with a minimum 8-foot tall solid wood fence and solid wood gates, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
    - c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
    - d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
  3. Prior to issuance of any Certificate of Occupancy for the property, the site shall be brought into conformance with a Site Plan as reviewed and approved by the City's Permit and Development Center.
  4. Any development of the property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The rezoning would allow the property to be converted to a fencing contractor business with retail, office and outdoor storage components. The applicant has indicated that they would purchase the property and relocate their existing business to the site. The sketch submitted with the application indicates that the building would be converted for retail showrooms, office space, and storage, and that the outdoor area to the north (rear) of the structure would be used for outdoor storage within a fenced-in area.
2. **Size of Site:** 46,173 square feet or 1.06 acres.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The site contains a vacant commercial structure that has been previously occupied by tavern and restaurant uses.

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

**North** – “C-2”, Use is an undeveloped parcel with frontage on Southeast 19th Street.

**South** - “M-1”, Use is an implement retail business with outdoor storage (Farm & City Supply).

**East** – “C-2”, Use is a vacant commercial structure most recently occupied as a bail bonds business.

**West** – “C-2”, Use is miniwarehouse (Budget Storage).

**6. General Neighborhood/Area Land Uses:** The subject property is located along the north side of the East Army Post Road highway commercial corridor east of the Southeast 14th Street intersection.

**7. Applicable Recognized Neighborhood(s):** The subject property is located within the Easter Lake Area Neighborhood. The neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 12, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on August 12, 2016 (20 days prior to the hearing) and August 22, 2016 (10 days prior to the hearing), to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 26, 2016.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

The applicant is scheduled to conduct a neighborhood meeting on August 26, 2016 and will be available to provide a summary at the public hearing.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

**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. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Business Park, which "accommodates light industrial, office, and employment uses, along with limited complementary uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and have little or no adverse impacts on surrounding properties". Staff believes that the proposed rezoning to "M-1" Light Industrial District can be found in conformance with future land use plan so long as the permitted uses of the property are limited to those as permitted in the "C-2" District (excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity) and a fencing contractor business with retail, office and outdoor storage components.

Staff believes that the proposed fencing contractor use would have minimal impacts on the surrounding residential properties so long as any outdoor storage on the property is located to the north (rear) of the building and is screened by a minimum 8-foot tall solid wood fence and vegetation. The area to the north of the building generally measures 130 feet by 120 feet (15,600 square feet). No material shall be stacked higher than the fence.

- 2. Site Plan Requirements:** Any construction or change of use on the site must be in compliance with 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. Any site plan must identify any lateral lines for any septic system that is on the property to ensure they are protected.
- 3. Landscaping & Buffering:** Any development of the site will require landscaping in accordance with the City's Landscape Standards. These standards generally include open space, bufferyard, and parking lot plantings. Staff believes that if the property is rezoned to "M-1" District that any future development or reuse of the site should be in compliance with the landscaping requirements for the "C-2" District to ensure compatibility with the surrounding "C-2" zoning. Staff notes that any future Site Plan would be required to provide a 7-foot landscaped paving setback along the front property line.

Future development of the site would also be subject to the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

- 4. 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.
- 5. Utilities:** There is an existing 16-inch water main in the East Army Post Road right-of-way. There are no public sanitary or storm sewers in the area to serve the property, as the nearest sewers are over ¼-mile to the west. The property is within a sewer



connection fee area. As such, the property would be assessed a fee at any time in the future that there is a sewer available to the property and the property seeks to utilize it.

6. **Access or Parking:** The site has an existing access drive to East Army Post Road, which should remain in its current location to align with the driveway across East Army Post Road to the south. If the rear of the site is developed for outdoor storage, a minimum 20-foot access drive for 2-way circulation would be required along the east side the building.
7. **Building and Fire Codes:** Any future renovation of the structure must be in accordance with all Building and Fire Codes, with issuance of all necessary permits from the City's Permit & Development Center. Since is the existing structure has a minimum setback from the west property line, a fire-rated wall or a no-build easement on the adjoining parcel may be required.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Mark Dunahoo applicant and owner of Central Iowa Fencing Co of Ankeny wishes to convert this property for use as their new office and warehousing. Currently like their office in Ankeny, but this will give them more opportunity to grow and their employment base is located more central to this location. Currently employs 20 staff. Biggest current concern of the proposal is the required wood fence in the back for storage. States that other options such as steel fence would be more viable for long term use and much less of a fire hazard. Willing to do any other suggested fence other than wood and to beautify the area.

Greg Jones suggest fencing options could be worked out with staff. He does not like chain link with slats.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jim Bollard 4007 SE 26<sup>th</sup> St represented the Easter Lake Neighborhood Association states their group is having issue with the zoning. Too much M-1 and has concerns of the future leaving this open for issue. Glad to see the adult entertainment being removed. He had not attended neighborhood meeting and they did not vote on it. He feels comfortable with what has been discussed with appropriate fencing for this business.

Mike Ludwig suggested flexibility to allow for fencing options, but also noted that it should be amended to suggest the fence be well maintained and in good working order.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

## **COMMISSION ACTION:**

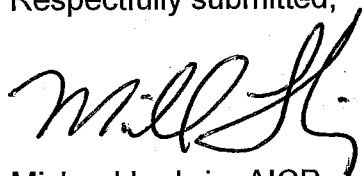
Jacqueline Easley moved approval of Part A) find the requested rezoning to "M-1" Light Industrial District is in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan so long as the site is operated in compliance with the conditions listed in Part B of the

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Motion carried 8-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment