



Date June 26, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
ARNOLD DEWITT TO REZONE PROPERTY LOCATED IN THE VICINITY OF
3917 MAHASKA AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 18, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Arnold DeWitt (owner) to rezone property located in the vicinity of 3917 Mahaska Avenue (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mini-warehouse complex, subject to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the “R1-60” One-Family Low-Density Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - l. Release the easement on Robert Anderson’s property at 1232 E. 40th Street.
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
 - n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.
 - o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet; and

WHEREAS, on June 12, 2017, by Roll Call No. 17-0973, it was duly resolved by the City Council that the application of Arnold DeWitt (owner) to rezone the Property, as legally described below, be set down for hearing on June 26, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center; 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



Date June 26, 2017

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 in the vicinity of 3917 Mahaska Avenue, legally described as:

LOTS 101, 102, AND 103, BROADACRE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

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

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

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00055)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

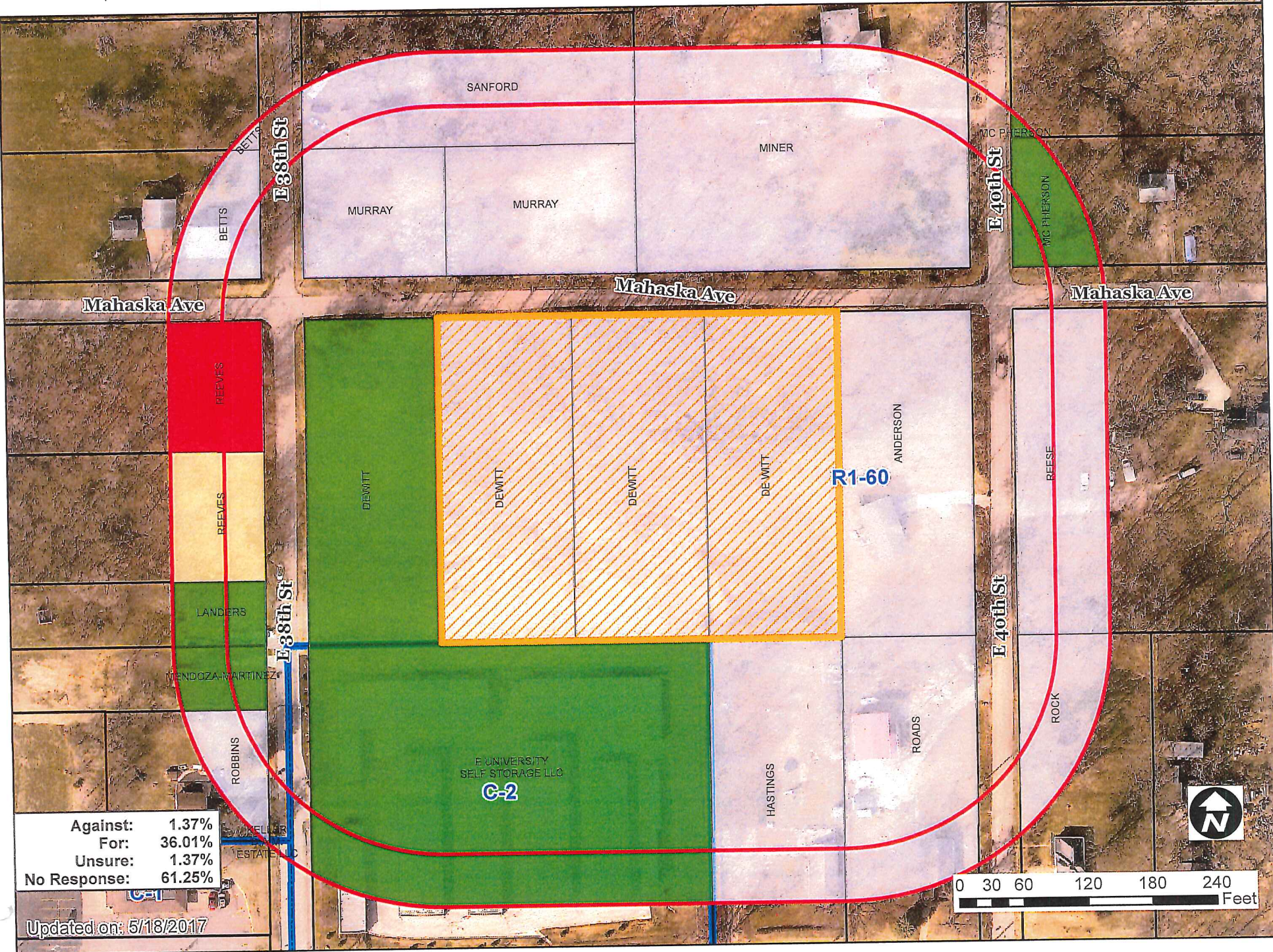
MOTION CARRIED APPROVED Mayor

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.

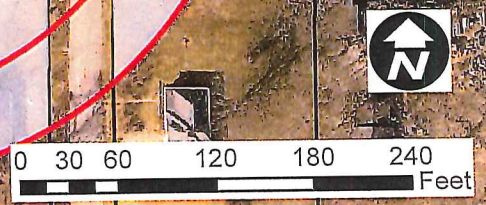
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



Against:	1.37%
For:	36.01%
Unsure:	1.37%
No Response:	61.25%

Updated on: 5/18/2017



59



Date June 26, 2017

Agenda Item 57

Roll Call # _____

May 25, 2017

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 May 18, 2017, the following action was taken regarding a request from Arnold DeWitt (owner) to rezone property located in the vicinity of 3917 Mahaska Avenue from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mini-warehouse complex.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of Part A) that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation and approval of Part B) the rezoning of property from "R1-60" One-Family Low-Density Residential District to "C-

2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing mini-warehouse complex subject to the following conditions: (ZON2017-00055)

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
 - n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.
 - o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet.

Written Responses

6 in Favor

2 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the requested rezoning be found in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan's future land use designation of Community Mixed-Use Commercial.

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

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.

- b. Mini-warehouse self-storage complex.
- 2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
 - n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.
 - o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to expand the East University Self Storage mini-warehouse complex onto a portion of the undeveloped land to the north of the existing facility. The proposed expansion concept includes seven (7) buildings with storage units. The proposed expansion area would be accessed by an internal driveway from the existing facility. The submitted site sketch demonstrates that the north 70 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue. The applicant also owns a 124-foot wide parcel to the west (1241 East 38th Street) that is excluded from the rezoning area in order to provide a buffer along East 38th Street. The submitted site sketch demonstrates that this parcel could be used for future single-family residential development.

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

2. **Size of Site:** 372 feet by 308 feet or 114,576 square feet (2.63 acres).

3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site is comprised of three undeveloped parcels that include significant natural vegetation along the north site boundary.

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

North - "R1-60", Uses are vacant land and single-family dwellings.

South - "Limited C-2", Use is the East University Self Storage mini-warehouse complex.

East - "R1-60", Use is a single-family residential dwelling.

West - "R1-60", Uses are vacant land and single-family residential dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is within an area that transitions from a commercial corridor along East University Avenue to a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Gray's Woods Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on April 28, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on April 28, 2017 (20 days prior) and May 8, 2017 (10 days prior to the hearing) to the Gray's Woods Neighborhood Association contact and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 12, 2017.

All agendas and notices are mailed to the contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Gray's Woods Neighborhood Association mailings were sent to Linda Adamson, 1330 East 41st Street, Des Moines, IA 50317.

The applicant has indicated that neighborhood meetings were held on both April 28, 2017, and April 29, 2017. They will be able to provide a summary at the public hearing.

8. **Relevant Zoning History:** On April 6, 1998, the site adjacent to the south of the subject property (the existing East University Self Storage site) was rezoned by Ordinance 13,597 to Limited "C-2" General Retail and Highway-Oriented Commercial District from "C-1" District, subject to the following conditions:
 - A. Only the uses of structures or land listed below shall be permitted upon the Property:
 1. Any use allowed in the "C-1" Commercial Residential District.
 2. Mini-warehouse self-storage complex.
 - B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 1. The side facing University Avenue of any building upon the Property shall be of masonry material in earth tone colors. The balance of the building, including doors, shall be of an earth tone color.

2. No storage units shall be placed with doors facing University Avenue.
3. All lights shall be shielded so as not to illuminate into adjoining residential properties.
4. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
5. The gate and fencing along University Avenue and E. 38th street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
6. A 25 foot wide setback shall be maintained along the eastern, southern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Director of the Community Development Department.
7. A sidewalk shall be installed and maintained along the E. University Avenue and E. 38th Street frontages. The installation of the sidewalk north of the entrance on E. 38 the Street shall be subject to feasibility with respect to grades.
8. The hours of operation shall be limited to 6:00 AM to 10:00 PM.

On September 15, 2011, the Plan & Zoning Commission recommended denial of a request to rezone the subject property to "C-2" District. The City Council then heard the request on October 10, 2011 and continued the item to November 7, 2011. The hearing was continued again to November 21, 2011. On November 21, 2011, the City Council referred a modified proposal back to the Plan & Zoning Commission for consideration of a proposal to exclude the north 100 feet of the site to allow for future single-family dwellings along the south side of Mahaska Avenue.

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

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 1. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 2. Mini-warehouse self-storage complex.
- B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 1. Access shall be provided from an internal drive approach from the existing facility to the south and not from East 38th Street.
 2. The side of any building upon the Property facing East 38th Street shall be in earth tone colors.
 3. No storage units within the westernmost building on the site shall be constructed with doors facing East 38th Street.
 4. No storage units within the easternmost building on the site shall have doors facing the east property line.
 5. All exterior lighting fixtures shall be shielded so as not to illuminate into surrounding residentially-zoned properties.

6. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
7. Any fencing along East 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
8. A minimum 25-foot wide setback shall be maintained along the eastern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
9. A minimum 10-foot wide setback shall be maintained along the northern boundary of any development. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
11. No surface water detention shall be released onto any adjoining residential property.
12. No permit for construction shall be issued until such time that all zoning violations for the existing miniwarehouse use at 3800 East University Avenue have been remedied.
13. No permit for construction shall be issued until such time that the entire site and the 100-foot wide area adjacent to the north have been graded to the satisfaction of the Engineering staff of the Permit and Development Center in accordance with a grading permit and soil erosion control plan.
14. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
15. The four lots on Mahaska Avenue shall be 110 feet deep from north to south.
16. If there is a retaining wall between the storage units and the residential lots on Mahaska Avenue, it should not be more than four feet in elevation.
17. The four parcels on Mahaska Avenue shall be graded so they are buildable.
18. That all seven pages of the "Staff Report and Recommendation" be part of the record.

On March 26, 2012 the City Council approved a first reading of the rezoning subject to the Plan and Zoning Commission's recommended conditions. On April 9, 2012, the applicant requested withdrawal of the rezoning. The withdrawal was rejected by the City Council on May 7, 2012. On May 21, 2012 the City Council approved a second reading of the rezoning request, with the modification that the north 110 feet be excluded from the rezoning area, to allow land along Mahaska Avenue to provide adequate depth for single-family residential lots. On June 22, 2012 the applicant submitted a second letter requesting withdrawal of the rezoning. On June 25, 2012 the City Council dismissed the rezoning proceedings based on the applicant's withdrawal of the application.

On December 1, 2014, the applicant filed a new application (second attempt) to rezone the subject property. On January 15, 2015, the Plan and Zoning Commission recommended approval of the rezoning subject to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:

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

On January 26, 2015, the City Council received the Plan & Zoning Commission's recommendation and set the date of hearing. The public hearing was deferred multiple times to allow the applicant to revise the zoning conditions so that they might be more agreeable to the City Council. On May 4, the considered the following:

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

- j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
- k. No surface water shall be released onto any adjoining residential property.
- l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
- m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
- n. All buildings on the Property shall be one-story buildings, and shall not exceed 14 feet in height.
- o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet.

On May 4, 2014, the Council voted 4 (yea) to 3 (nay) to approve the rezoning subject to the previously listed conditions. However, the rezoning failed since 6 affirmative votes were required due to the written protest against the rezoning as signed and submitted by owners of twenty percent or more of the property that is located within 200 feet of the exterior boundaries of the property to be rezoned.

On May 4, 2014, the Council also voted 4 (yea) to 3 (nay) to amend the 2020 Community Character Plan's future land use designation for the property from Low Density Residential to Commercial: Auto Oriented Small-Scale Strip Development. This land use amendment passed since only a simple majority of Council votes were necessary.

On April 3, 2017, the applicant filed a new application (third attempt) to rezone the subject property. The Plan & Zoning is scheduled to hold a public hearing on this request on May 18, 2017.

- 9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** The subject property is designated as Community Mixed-Use Commercial, which is defined as "Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers."
- 10. Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Zoning Conditions Proposed by Applicant:** The applicant has proposed the following zoning conditions, which are those considered by City Council on May 4, 2015, with two (2) modifications in *identified in bold*:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - ~~l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.~~
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
 - n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.**
 - o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet.

As noted, the applicant does not propose to eliminate the previously considered condition requiring the release of the easement on Robert Anderson's property at 1232 East 40th Street. This "driveway easement" was recorded on July 15, 2004 and grants the owner of Lot 103 of Broadacre (currently owned by Arnold DeWitt) to have a driveway from East 40th Street across a 40 foot by 125-foot portion of Lot 104 of Broadacre (currently owned by Robert Anderson). Staff recommends that the previously considered condition be retained, as it would not be appropriate for a commercial driveway to cross the property known as 1232 East 40th Street.

The applicant also proposes to have the maximum allowed height of any structure be 16 feet rather than 14 feet. The additional height is necessary to allow portions of the proposed building have 14-foot tall overhead garage doors. Staff recommends that the maximum height be allowed, as the impact of 16-foot tall buildings would be minimized by the other recommended zoning conditions pertaining to building placement and landscaping.

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

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

As previously noted, the subject property was designated as Community Mixed Use Commercial on the PlanDSM future land use map.

- 3. Natural Site Features:** The northern portion of the site slopes downward toward Mahaska Avenue, with as much as 30 feet change of grade change. The portion of the site that is steeply slopes contains significant vegetation.

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

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

The submitted site sketch demonstrates that approximately the north 70 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue. Since the site sketch is only conceptual, staff recommends that any rezoning be subject to a zoning condition that requires a minimum 50-foot wide setback along the northern boundary of the property adjoining Mahaska Avenue and a 25-foot wide setback be maintained along the eastern boundary of the site. These setback areas should be landscaped in accordance with a plan approved by the Planning Administrator.

5. **Drainage/Grading:** Any site plan submitted for commercial development of the site would be required to comply with the City's stormwater management requirements to the satisfaction of the Permit & Development Center. All grading would be subject to an approved grading permit and soil erosion control plan. There is no storm sewer available in close proximity to the subject property. Therefore, any surface detention of stormwater would likely feed into the system within the existing miniwarehouse site and into public storm sewer in East University Avenue. Alternate design whereby the stormwater would infiltrate into the ground without surface water detention is also a possibility.
6. **Utilities:** There is an existing water main and a sanitary sewer west of the site within the East 38th Street right-of-way. Given the change in grade, it is unlikely that any development on the proposed site could feasibly connect to this sanitary sewer. The most likely connection to serve this area, if necessary, would be through the existing site to the south. There is not likely a water or sanitary sewer need for the proposed expansion. However, platting of the property fronting East 38th Street to the west is a possibility given the access to these utilities.
7. **Traffic/Street System:** The Traffic & Transportation Division has determined that a traffic impact analysis is not required since the proposed expansion area and the resulting total area of mini-warehouse does not exceed the threshold for a traffic review, as the overall storage area would be less than 200,000 square feet.

The existing miniwarehouse facility is accessed by a drive approach from East 38th Street. The submitted site sketch demonstrates that the expansion area would be accessed by an internal drive approach from the existing facility. The applicant is not proposing an access drive from Mahaska Avenue.

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

8. **Miniwarehouse Requirements:** The Zoning Ordinance limits the length of any miniwarehouse structure to 150 feet in length and requires that structures be at least 10 feet from any other structure.

SUMMARY OF DISCUSSION

Francis Boggus arrived at 6:08 pm and Carolyn Jenison arrived at 6:09pm

Erik Lundy presented staff report and recommendation also noting that this was a second attempt for approval after being denied in 2015 by the City Council.

David Courard-Hauri asked why was the applicant's request denied in 2015.

Erik Lundy stated several residents was opposed to the applicant's request and they did not receive the required 6/7 vote from City Council. However, this new plan has been altered.

Grace DeWitt 1642 Lake View Drive, Pleasant Hill, stated that she and her husband have owned this property for quite some time. They began development in 1998 and completed it in 1999. She stated the improvements were well received and there is a demand for their business. They have the support of the neighborhood association. They do not need to add sewer and water to this new portion of their project as it is not needed for this type of business. They are also leaving lots available along E. 38th Street should a residential project ever want to go forward in the future. She notes this is a quiet business with access on East 38th Street through gates. The advantages she believes are the following:

- They will be providing a service that is needed in the Des Moines and
- It will keep the business revenue in our community rather than Pleasant Hill or Altoona.
- It will increase the property taxes for the property to almost \$40,000.00 annually.

Arnold DeWitt 1642 Lake View Drive, Pleasant Hill explained their project in a little more detail. He is asking for support of his request.

JoAnne Corigliano asked if the applicant agrees with the staff recommendations.

Arnold DeWitt stated he does agree with the staff recommendations.

Will Page asked how do they plan to handle the water runoff on the site.

Arnold DeWitt stated they have hired an engineer and will be implementing the plan when they begin grading.

JoAnne Corigliano asked when will they begin.

Arnold DeWitt stated they would like to begin right away. However, currently most of the contractors are busy so fitting into their schedule may be a challenge.

JoAnne Corigliano stated the reason she asked is because she is very interested to see how they will do their grading.

Arnold DeWitt stated this plan works out much better than their previous plan because they can keep the sand in place. The engineer says this plan will be safe for stormwater.

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

COMMISSION ACTION:

Will Page moved staff recommendation for approval of Part A) that the requested rezoning be found in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan's

future land use designation of Community Mixed-Use Commercial and approval of Part B) to rezone the property from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" District, subject to the following conditions:

1. Only the uses of structures or land listed below shall be permitted upon the Property:
 - a. Any use allowed in the "R1-60" One-Family Low-Density Residential District.
 - b. Mini-warehouse self-storage complex.
2. A development of the Property for use as a mini-warehouse self-storage complex shall comply with the following additional requirements:
 - a. Any side of buildings facing Mahaska Avenue and East University Avenue shall be of masonry material.
 - b. The remaining sides of any building shall be in earth-tone colors.
 - c. No storage units shall have doors facing towards Mahaska Avenue.
 - d. No storage units within the westernmost building on the site shall be constructed with doors facing toward the west.
 - e. No storage units within the easternmost building on the site shall have doors facing toward the east.
 - f. Any exterior lighting fixtures free standing or building mounted shall be shielded so as not to illuminate onto adjoining residential properties.
 - g. There shall be no signs other than internal directional signs on the Property.
 - h. A minimum 50-foot wide building setback shall be maintained along the northern boundary of the Property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - i. A minimum 25-foot wide building setback shall be maintained along the eastern boundary of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - j. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - k. No surface water shall be released onto any adjoining residential property.
 - l. Release the easement on Robert Anderson's property at 1232 E. 40th Street.
 - m. No exterior lighting shall be placed on building faces that do not directly abut a drive.
 - n. All buildings on the Property shall be one-story buildings, and shall not exceed 16 feet in height.
 - o. The cumulative area of all buildings on the Property shall not exceed 38,000 square feet.

Motion carried 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Senior Planner

MGL:clw
Attachment

ZON2017-00055

Date 5-15-17

Item

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

(Circle One)

Print Name Robert Anderson

Signature *Robert Anderson*

Address 1232 E. 40th St

Des Moines IA

RECEIVED
COMMUNITY DEVELOPMENT

MAY 19 2017

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

He is not looking out for The community.

He has not done one thing to put the property back like you had ordered him to

ZON2017-00055

Date May-15-2017

Item

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

(Circle One)

Print Name Donald J. Reeves

Signature *Donald J. Reeves*

Address 3838 E. 38 St.

RECEIVED
COMMUNITY DEVELOPMENT

MAY 17 2017

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

Three houses need to be completed first

ZON2017-00055

Date 5/14/17

Item

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Charles J Reeves

Signature *Charles J Reeves*

Address

4710 Mills Civic Plaza WDM 50265

MAY 18 2017

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

Good for The Area

Good Plan

Good People

ZON2017-00055

Date 5-11-17

Item (am) in favor of the request.

(Circle One) RECEIVED

Print Name

COMMUNITY DEVELOPMENT SIGNATURE

MAY 18 2017

Address

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

Arnold Deloitte
Arnold & Devick

1642 Lakeview Dr
PLEASANT HILLS, CA 90327

ZON2017-00055

Date 5/11/17

Item (am) in favor of the request.

(Circle One)

COMMUNITY DEVELOPMENT

MAY 16 2017

Address

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

Polenda Mondesa Martinez
1228 E 58th St

Owners maintain the property well, I believe the refinancing will give a better use than what it currently does.

ZON2017-00055

Date May 11 2017

Item

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

(Circle One)

COMMUNITY DEVELOPMENT

MAY 16 2017

Print Name

Signature

Address

John McPherson

John McPherson

15625 New York Ave

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

These owners have tried several times before to expand their business to better meet the demands of the area. I think it is high time we afford them the opportunity !!!

ZON2017-00055

Date 5-10-17

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Bridget Landers

Signature [Signature]

Address 1224 East 38th St

MAY 15 2017

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

ZON2017-00055

Date 5/11/2017

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name LINDA ADAMSON

Signature Linda Adamson, CHAIR

Address 1330 E 41 ST, DMEA
50317

MAY 15 2017

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

APPROVED WITH MEMBERSHIP VOTE
ON 5/9/2017 GENERAL MEETING
GRAY'S WOODS NEIGHBORHOOD ASSOCIATION