



Date March 19, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM ANGEL GROFF TO REZONE 2200 EASTON BOULEVARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2018, its members voted 10-0 in support of a motion to recommend DENIAL of a request from Angel Groff (owner) to rezone property at 2200 Easton Boulevard ("Property") from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display; and

WHEREAS, the Property is legally described as follows:

Lot 16 and 17 in Block 15 EASTON PLACE, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on April 9, 2018, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

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

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00015)

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

MOTION CARRIED APPROVED

CERTIFICATE

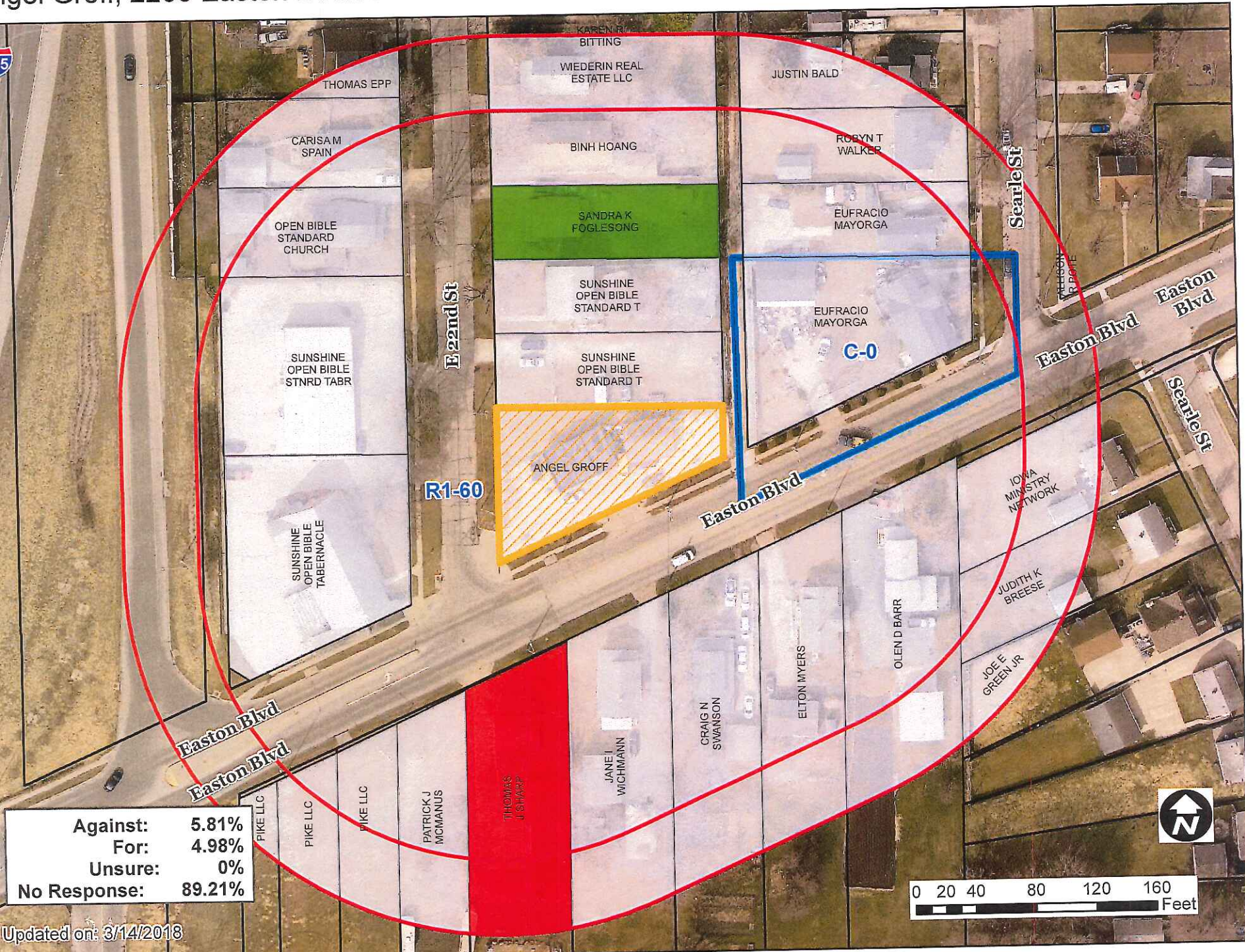
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

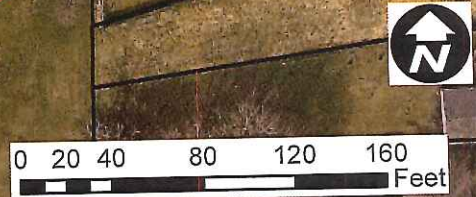
Mayor

City Clerk





Against:	5.81%
For:	4.98%
Unsure:	0%
No Response:	89.21%



88



28







NO PARKING

NO PARKING

Mt. Zion Church

28



28



BRIDGE  
PARK  
DISPENSARIUM





28





March 14, 2018

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their March 1, 2018 meeting, the following action was taken regarding a request from Angel Groff (owner) to rezone property located at 2200 Easton Boulevard.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	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

**DENIAL** of Part A) to recommend the proposed "C-2" General Retail and Highway-Oriented Commercial District is not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential; Part B) to recommend denial of the proposed amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Commercial Mixed Use; Part C) to recommend

denial of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District.  
(21-2018-4.02) & (ZON2018-00015)

### Written Responses

3 in Favor

1 in Opposition

## **STAFF RECOMMENDATION**

Part A) Staff recommends that the Commission find the proposed "C-2" General Retail and Highway-Oriented Commercial District is not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.

Part B) Staff recommends denial of the proposed amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Commercial Mixed Use.

Part C) Staff recommends denial of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "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 applicant to reuse the buildings and site for a commercial purpose, such as vehicle repair and/or vehicle display. The City's Zoning Enforcement Officer has determined that the property, which is zoned "R1-60" One-Family Residential District, has lost all legal conforming rights for use of the site with any commercial use. This determination was upheld by the Zoning Board of Adjustment on January 24, 2018.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use

- 2. Size of Site:** 10,500 square feet (0.24 acre).
- 3. Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. Existing Land Use (site):** The subject property contains a 28-foot by 56-foot (1,568 square feet) building, a 24-foot by 30-foot (720 square feet) building, and a parking lot.



## 5. Adjacent Land Use and Zoning:

North – “R1-60”; Uses are an undeveloped lot and single-family residential.

South – “R1-60”; Uses are single-family residential.

East – “C-0”; Use is single-family residential.

West – “R1-60”; Use is a church.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of Easton Boulevard, just to the east of the I-235. The area primarily consists of single-family residential uses, with low-intensity commercial uses scattered along Easton Boulevard.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Fairmont Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on February 9, 2018. A Final Agenda was mailed to the neighborhood associations on February 23, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on February 9, 2018 (20 days prior to the hearing) and on February 16, 2018 (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.
- All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairmont Park Neighborhood Association notices were mailed to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.
- The applicant held the required neighborhood meeting on February 12, 2018 and again on February 15, 2018, and will be available to provide a summary at the hearing.
8. **Relevant Zoning History:** On January 24, 2018, the Zoning Board of Adjustment upheld the Zoning Enforcement Officer’s determination that the legal use of the property as a vehicle display lot ceased for a period longer than 6 months and, therefore, the legal non-conforming rights for a vehicle display lot use on the property have ceased.
9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Low Density Residential.
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. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** The subject property is designated as Low Density Residential, which is described as "areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre". The proposed "C-2" General Retail and Highway-Oriented Commercial District would require the land use designation to be amended Community Mixed Use, which is described 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 customer."

Staff does not believe that this is an appropriate location for the Community Mixed Use designation Easton Boulevard is not a high capacity transit corridor. This designation is typically located along corridors and/or transit routes, such as East University Avenue, Hubbell Avenue, and East Euclid Avenue. Therefore, Staff recommends denial of both the land use plan amendment and the rezoning.

- 2. Site Plan Requirements:** Should the property be rezoned, any commercial use of the property must be in compliance with a Site Plan. This Site Plan must comply with all regulations, including those pertaining to landscaping and stormwater management. Furthermore, any Site Plan to allow vehicle display would also be subject to the design guidelines for vehicle display, as reviewed and approved by the Plan and Zoning Commission. These guidelines require that any site used for vehicle display should be at least 0.50 acre in area, which this 0.24-acre site would not satisfy.
- 3. Vehicle Display Lot Design Guidelines:** In acting upon any future Site Plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission would apply the design standards in City Code Section 82-213 and the additional standards listed below which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan must be based upon the conformance of the Site Plan with the design standards:
  - 1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.
  - 2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted Site Plan policies.
  - 3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:
    - a) Contain at least one-half acre of land.



- b) Conform to the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted Site Plan policies.
  - c) Be surfaced with an asphaltic or Portland cement binder pavement 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.
  - d) Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.
- 4) There shall be no elevated display of motor vehicles in any required front yard.
  - 5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.
  - 6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the Site Plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation for denial of the request.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Angel Goff, 2214 E. 14<sup>th</sup> Street, stated that she wanted to change the zoning to allow a tire shop and auto mechanic use. She stated she will paint and clean up the look of the building once the weather becomes warmer.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**


## **COMMISSION ACTION:**

Mike Simonson made a motion for Part A) to recommend the proposed "C-2" General Retail and Highway-Oriented Commercial District is not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential; Part B) to recommend denial of the proposed amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Commercial Mixed Use; Part C) to recommend denial of the proposed rezoning of property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District.

Motion Passed: 10-0



Respectfully submitted,

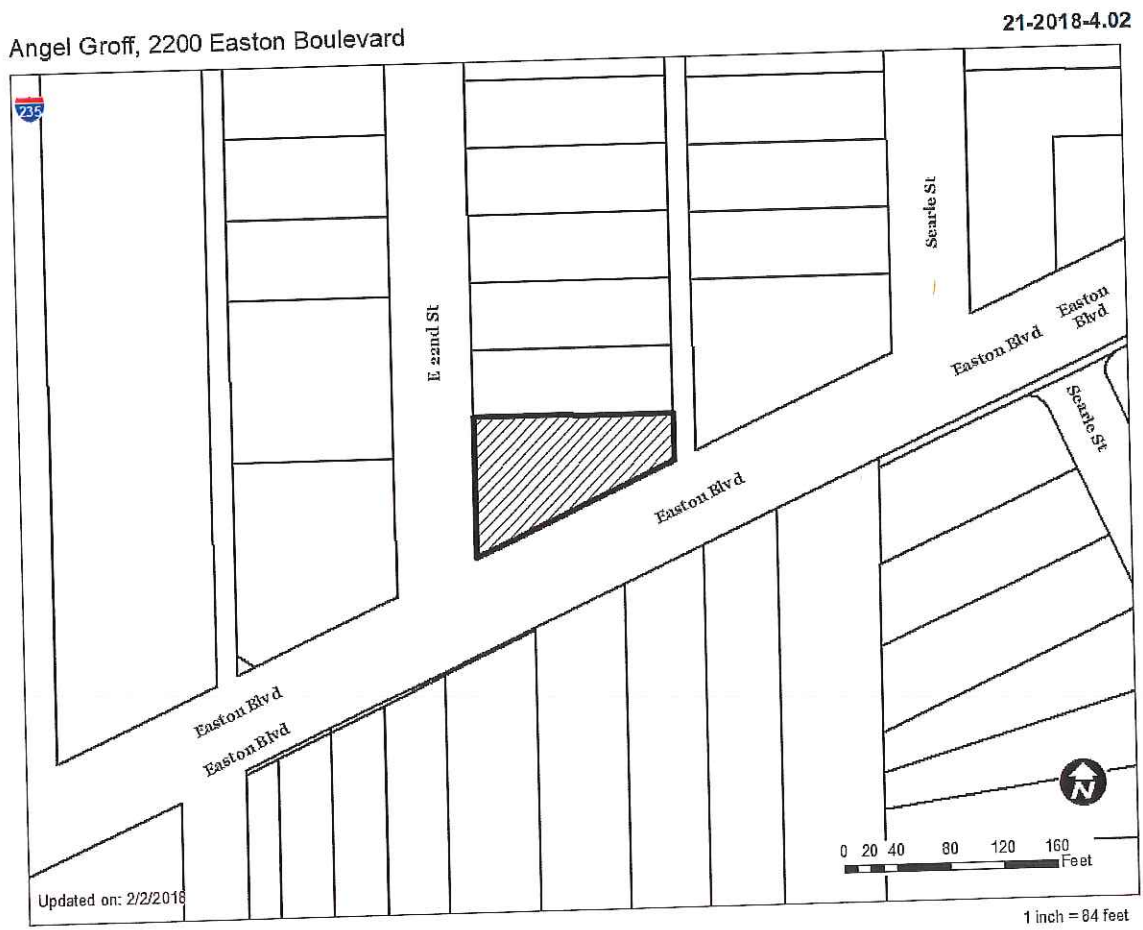


Michael Ludwig, AICP  
Planning Administrator

EML:tjh



Angel Groff (owner) for property located at 2200 Easton Boulevard.			File #	
			21-2018-4.02	
Description of Action	Amendment of the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	3	1		<20%
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	
	Denial	X	Yes	X
			No	



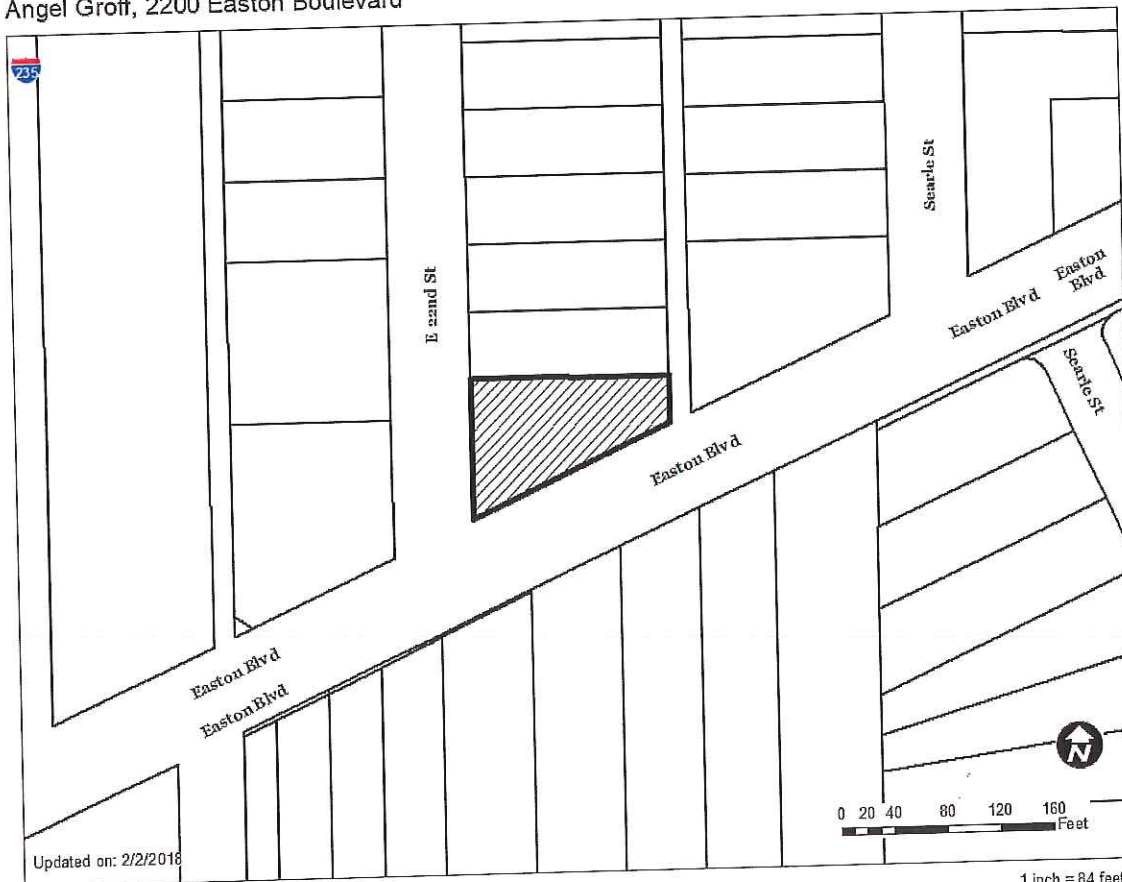
1 inch = 84 feet



Angel Groff (owner) for property located at 2200 Easton Boulevard.			File #	
			ZON2018-00015	
Description of Action	Rezoning from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for vehicle repair and vehicle display.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	3	1		<20%
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	
	Denial	X	Yes	X
			No	

Angel Groff, 2200 Easton Boulevard

ZON2018-00015



1 inch = 84 feet



Item ZON2018-00015

Date 2-28-18

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

SUBJECT PROPERTY

(Circle One)

Print Name ANGEL GROFF

Signature Angel Groff

Address 2200 E EASTON BLDG

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

Keran Seide

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Item ZON2018-00015 Date 2.21.18

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

(Circle One)  
**RECEIVED** Print Name Dana Sharp  
COMMUNITY DEVELOPMENT Signature Dana Sharp  
FEB 26 2018 Address 2219 EASTON

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

They do not take care of this  
property and it lowers our  
property value.  
Its a "Dump" should be  
torn down

Item ZON2018-00015 Date 2/20/2018

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

(Circle One)  
**RECEIVED** Print Name SANDRA Fajlosang  
COMMUNITY DEVELOPMENT Signature Sandra Fajlosang  
FEB 26 2018 Address 1435 E. 2nd St.

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

I only want property kept up  
lawn mowed - Trash picked

Item ZON2018-00015 Date 2/23/18

I  (am)  (am not) in favor of the request.  
FAIRMONT PARK  
NEIGHBORHOOD ASSOC.

(Circle One)  
**RECEIVED** Print Name JEFF WHITE  
COMMUNITY DEVELOPMENT Signature Jeff White

FEB 26 2018 Address 12501 Walton

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

Fairmont Park does not object to  
this issue, as long as the neighbors do not  
object.



2-15-18

Family lived in neighborhood since 1919. I have purchased cars from down at 2200 Easton in the past.

I would be interested in having a local mechanic shop and tire shop at this location.

Thank you for keeping us informed.

*Robert Bellamy*