



Date February 25, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM BROWN DOG REALTY, LLC TO REZONE PROPERTY LOCATED AT 2110 WAKONDA VIEW DRIVE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 7, 2019, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Brown Dog Realty, LLC (owner), represented by David Kriens (officer), to rezone property located at 2110 Wakonda View Drive (“Property”) from “R1-80” One-Family Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow off-street parking, loading and maneuvering areas to the west of the existing plumbing and mechanical shop on the Property, subject to the following conditions:

1. The Property shall not be used for any of the following prohibited uses: adult entertainment business; businesses selling liquor, wine, or beer; off-premises advertising signs; taverns and nightclubs; and vehicle display lots.
2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
4. Compliance with all landscaping requirements as applicable to “C-2” Districts as part of any site expansion. In addition, a bufferyard using “C-2” District standards shall be provided along the west side of any paved area as part of any site expansion; and

WHEREAS, the Property is legally described as follows:

THE EAST ½ HALF OF LOT 30 AND THE WEST 30 FEET OF LOT 31, WAKONDA KNOLLS, 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 March 11, 2019, 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.



Roll Call Number

Agenda Item Number

22

Date February 25, 2019

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

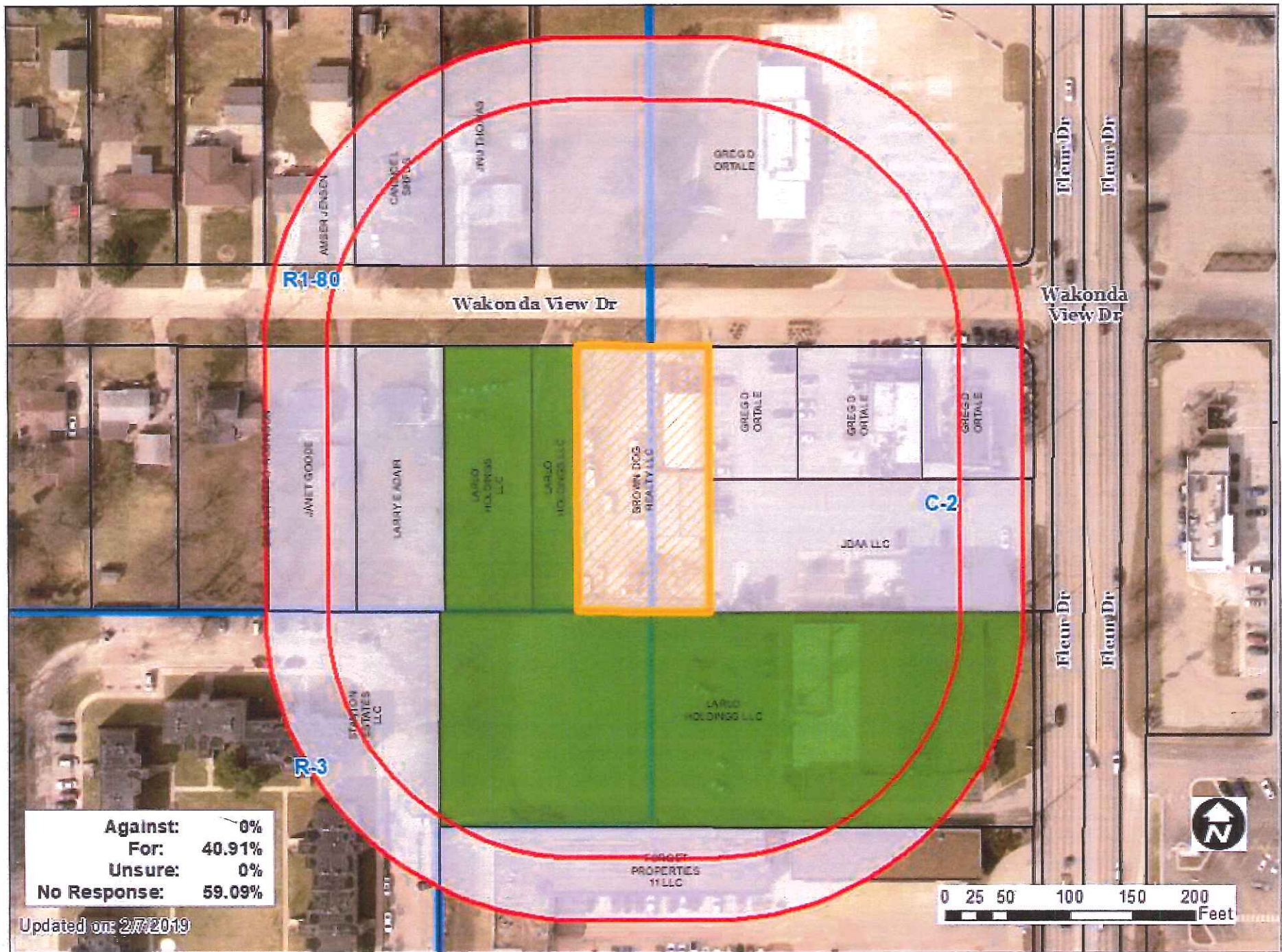
CERTIFICATE

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

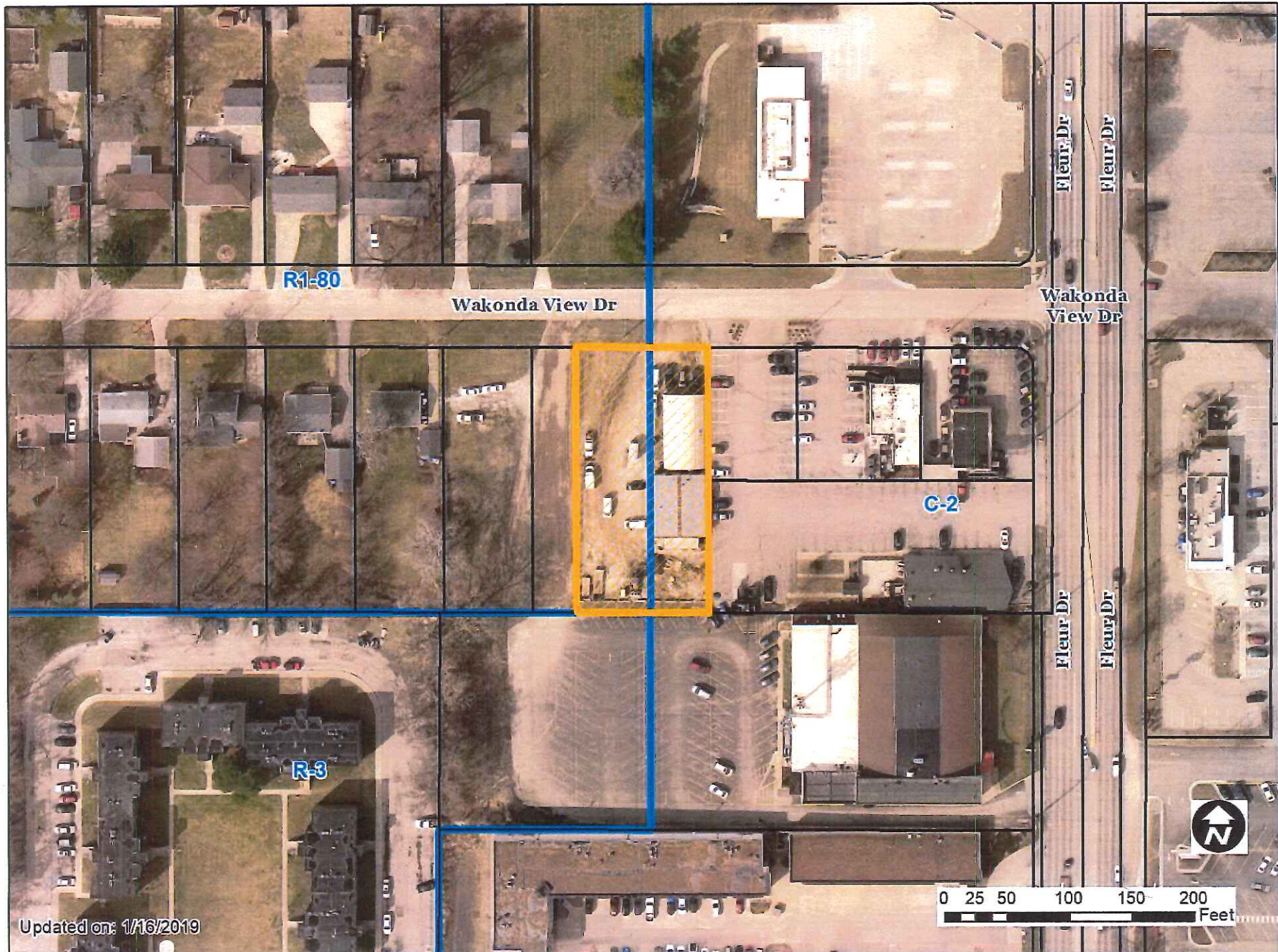
City Clerk



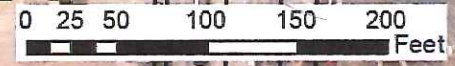
Against:	0%
For:	40.91%
Unsure:	0%
No Response:	59.09%

Updated on: 2/7/2019





Updated on: 1/16/2019



1 inch = 103 feet

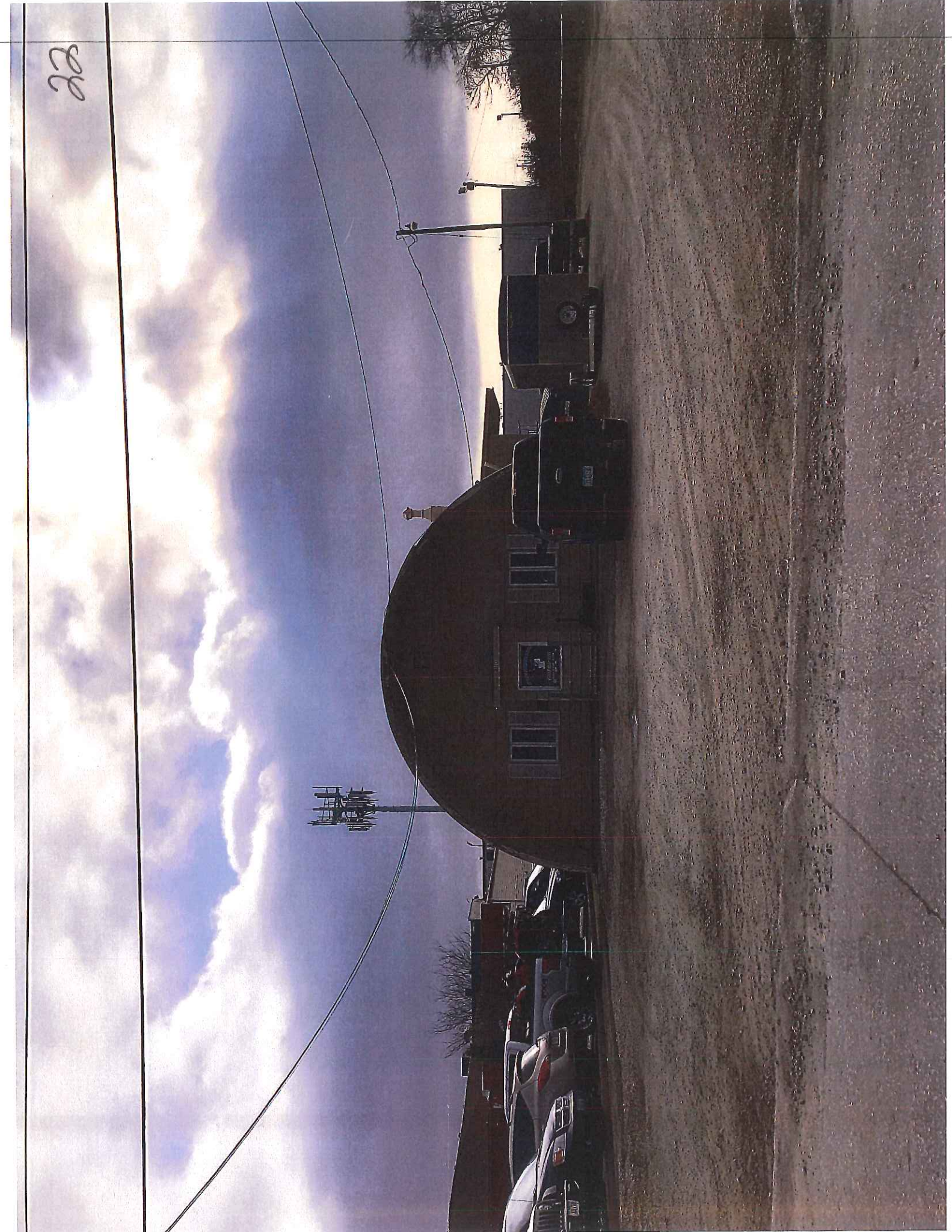


22

22



22





Date 2/25/19
 Agenda Item 22
 Roll Call # _____

February 19, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 7, 2019 meeting, the following action was taken regarding a request from Brown Dog Realty, LLC (owner) represented by David Kriens (officer) to rezone property at 2110 Wakonda View Drive from "R1-80" One-Family Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of an existing plumbing and mechanical shop site improvements.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	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) the Commission find the proposed rezoning **NOT** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; to recommend **APPROVAL** of Part B) to amend the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use; and to

Use; and to recommend **APPROVAL** of Part C) to rezone the property to a Limited "C-2" District subject to the owner agreeing to the following conditions:

1. Prohibit the use the property for the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots.
2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
4. Compliance with all landscaping requirements as applicable to "C-2" Districts as part of any site expansion. In addition, a bufferyard using "C-2" District standards shall be provided along the west side of any paved area as part of any site expansion.

(ZON2019-00002) & (21-2019-4.01)

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

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

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

1. Prohibit the use the property for the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots.
2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
4. Compliance with all landscaping requirements as applicable to "C-2" Districts as part of any site expansion. In addition, a bufferyard using "C-2" District standards shall be provided along the west side of any paved area as part of any site expansion.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is seeking to extend off-street parking, loading and maneuvering into area west of the existing plumbing and mechanical shop that is currently zoned "R1-80" District.
2. **Size of Site:** 12,759 square feet for the residentially zoned portion. 22,865 square feet for the overall site.
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "R1-80" One-Family Residential District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** 3,792-square foot plumbing and mechanical shop with unimproved off-street parking and loading.

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

North – "R1-80" & "C-2"; Use is open space and storm water detention for vacant convenience store site.

South – "R1-80" & "C-2"; Use is off-street parking for bowling center.

East – "C-2"; Use is Francie's Restaurant.

West – "R1-80"; Uses are driveway access to bowling center and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject site is located just west of the Fleur Drive commercial corridor. There is a mix of commercial uses and single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on January 22, 2019. Additionally, a separate notification of the hearing for this specific item was mailed on January 18, 2019 (10 days prior to the scheduled 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 February 1, 2019.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

The applicant is required to conduct a neighborhood meeting as part of their rezoning request and will be available to provide a summary of that meeting at the hearing.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM Creating Our Tomorrow:** The subject site is designated as Community Mixed Use and Low Density Residential on the Future Land Use Map. Community Mixed Use 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.” Low Density Residential is defined as “Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.”
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. **Drainage/Grading:** The proposed expansion would not trigger requirements for storm water management based on the total area proposed for expansion. However, Engineering staff will review grading and erosion control measures for any disturbed area to ensure that this will not impact adjoining property owners during any construction or at the completion of development.
2. **Access & Traffic:** The submitted site sketch proposes maintaining the existing driveway access location but proposes to improve it to a paved surface. This does not trigger any required modifications by the Traffic Engineering section. Should the drive approach be replaced it would need to be reduced to a maximum of 36 feet in width with 10-20 foot radii. A new 5-foot wide public sidewalk would be required along Wakonda View Drive with any site plan.
3. **Parking:** The City’s standard off-street parking requirement for a plumbing and heating shop is 3 spaces plus 1 per 2 employees on maximum shift plus 1 space per 400 square feet of office. Any Site Plan would be required to demonstrate compliance with off-street parking requirements.
4. **Landscaping:** Any site plan for the proposed expansion of the plumbing and mechanical shop would require compliance with landscaping as applicable in “C-2” Districts. In this case this would require provision of additional perimeter lot landscaping along Wakonda View Drive along with open space landscaping. The area to the west is an unimproved access drive for the bowling center parking to the south. However, because there is residential development immediately to the west of that property, staff believes that the developer should still meet the standard bufferyard landscaping requirements along the west property line.

5. **PlanDSM:** In order to allow for the proposed rezoning, there is also the requirement for the future land use designation to be amended from Low Density Residential to Community Mixed Use. In this instance, the proximity to the residential neighborhood to the west would cause the need for a heightened protection from uses typically found in the "C-2" District. Staff would recommend that the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots be prohibited.

SUMMARY OF DISCUSSION

Jacqueline Easley noted that the applicant for item #6 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

Dory Briles made a motion to move item #6 to the consent agenda.
Motion Carried 9-0.

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding approval of the item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion for **APPROVAL** of Part A) the Commission find the proposed rezoning **NOT** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; to recommend **APPROVAL** of Part B) to amend the PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential to Community Mixed Use; and to recommend **APPROVAL** of Part C) to rezone the property to a Limited "C-2" District subject to the owner agreeing to the following conditions:

1. Prohibit the use the property for the uses of Adult entertainment business; Businesses selling liquor, wine, or beer; Off-premises advertising signs, Taverns and Nightclubs, and Vehicle display lots.
2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
4. Compliance with all landscaping requirements as applicable to "C-2" Districts as part of any site expansion. In addition, a bufferyard using "C-2" District standards shall be provided along the west side of any paved area as part of any site expansion.

Motion Carried: 9-0

Respectfully submitted,



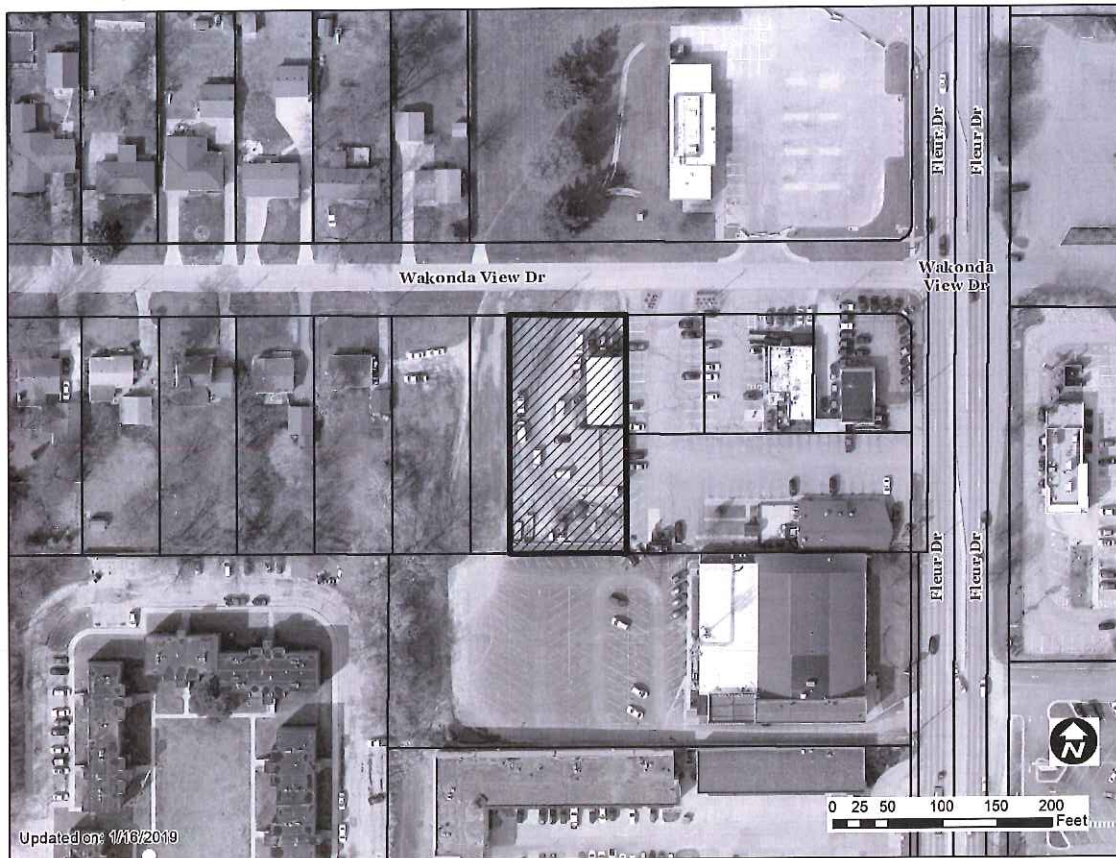
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Brown Dog Realty, LLC (owner) represented by David Kriens (officer) for property at 2110 Wakonda View Drive.				File #	
				ZON2019-00002	
Description of Action	Rezone from "R1-80" One-Family Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of an existing plumbing and mechanical shop site improvements.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-80" One-Family 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	2	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Brown Dog Realty, LLC, 2110 Wakonda View Drive

ZON2019-00002

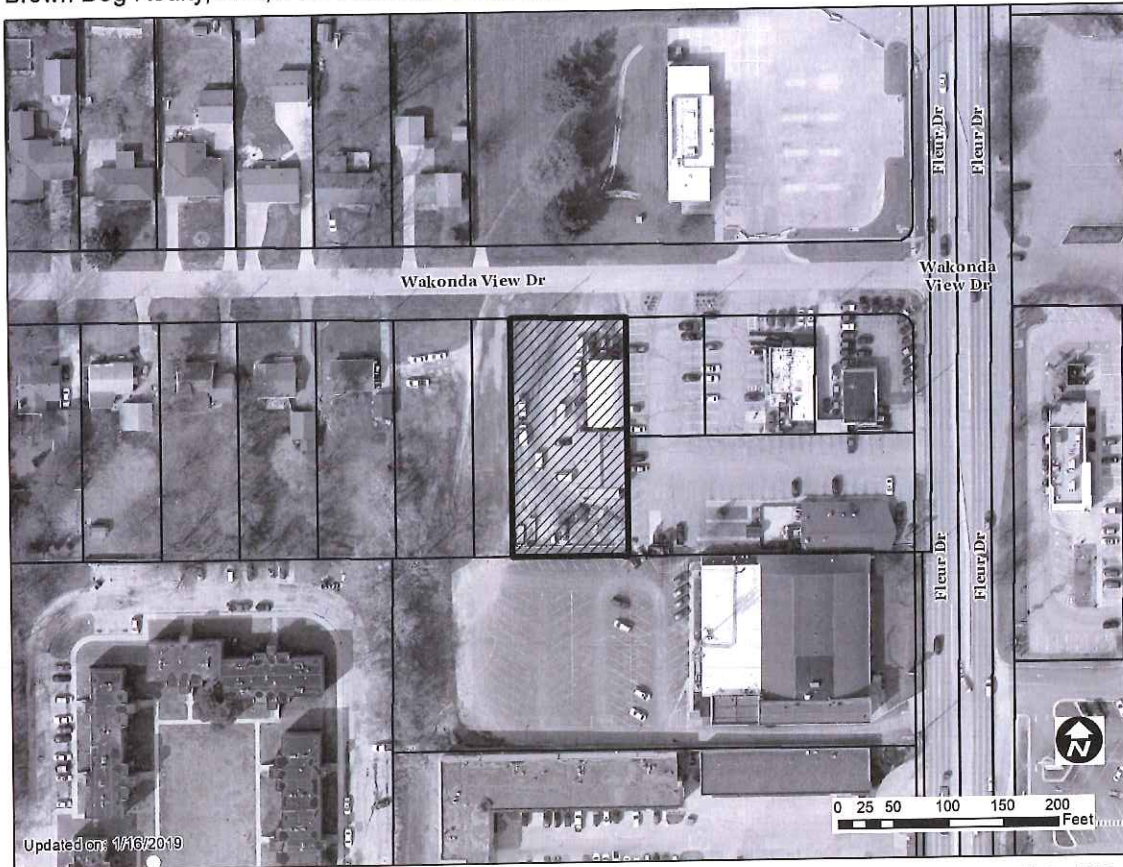


1 inch = 103 feet

Brown Dog Realty, LLC (owner) represented by David Kriens (officer) for property at 2110 Wakonda View Drive.			File # 21-2019-4.01	
Description of Action	Amendment to the PlanDSM future land use classification 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	"R1-80" One-Family 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	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Brown Dog Realty, LLC, 2110 Wakonda View Drive

21-2019-4.01



Item ZON2019-00002

Date 2-1-19 22

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

SOUTHWESTERN HILLS NEIGHBORHOOD ASSOCIATION

(Circle One)

RECEIVED

Print Name George Davis

COMMUNITY DEVELOPMENT

Signature [Signature]

FEB 05

Address 3124 SW 29th

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

Southwestern Hills Neighborhood has no objections to this project.

Item ZON2019-00002

Date 2/3/19

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

(Circle One)

RECEIVED

Print Name Larry + Lori Weber

COMMUNITY DEVELOPMENT

Signature Lori Weber

FEB 06

Address 4200 Fleur Drive

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

Hopefully the expansion includes cleanup around the building/business - it's an eyesore -