



Date April 8, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM AMT ASSOCIATES, LLC TO REZONE PROPERTY LOCATED AT 1315 EAST BROADWAY AVENUE

WHEREAS, on March 25, 2019, by Roll Call No. 19-0469, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on March 7, 2019, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from AMT Associates, LLC (owner), represented by Lance Arrasmith (officer), to rezone property located at 1315 East Broadway Avenue (“Property”) from Limited “M-1” Light Industrial District to amended Limited “M-1” Light Industrial District, to remove the existing zoning condition requiring opaque wood or masonry fencing and allow reuse of the existing chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage associated with the existing building on the Property, subject to the following conditions in addition to the zoning conditions imposed by Ordinance No. 14,573:

1. The use of chain link fencing with slats shall be limited to the Property;
2. The new outside storage area shall remain at the rear of the building on the Property;
3. The new outside storage area shall remain the same size as the original outdoor storage area on the Property; and
4. The new outside storage area may utilize the chain-link fencing and slats that surrounded the original outdoor storage area on the Property but shall incorporate new posts; and

WHEREAS, on March 25, 2019, by Roll Call No. 19-0469, it was duly resolved by the City Council that the application of AMT Associates, LLC to rezone the Property, as legally described below, be set down for hearing on April 8, 2019 at 5:00 p.m. in the Council Chambers at City Hall; 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 1315 East Broadway Avenue, legally described as:

LOT 9 VISTA BROADWAY INDUSTRIAL PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from Limited “M-1” Light Industrial District to amended Limited “M-1” Light Industrial District, to remove the existing zoning condition requiring opaque wood or masonry fencing and allow reuse of the existing chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage associated with the existing building on the Property, subject to the conditions stated above as agreed to and accepted by execution



Date April 8, 2019

of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) 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 amended Limited "M-1" Light Industrial District with conditions as set forth above in addition to the zoning conditions imposed by Ordinance No. 14,573, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to amended Limited "M-1" Light Industrial District with conditions as set forth above in addition to the zoning conditions imposed by Ordinance No. 14,573, 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

(ZON2018-254)

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

MOTION CARRIED

APPROVED

Mayor

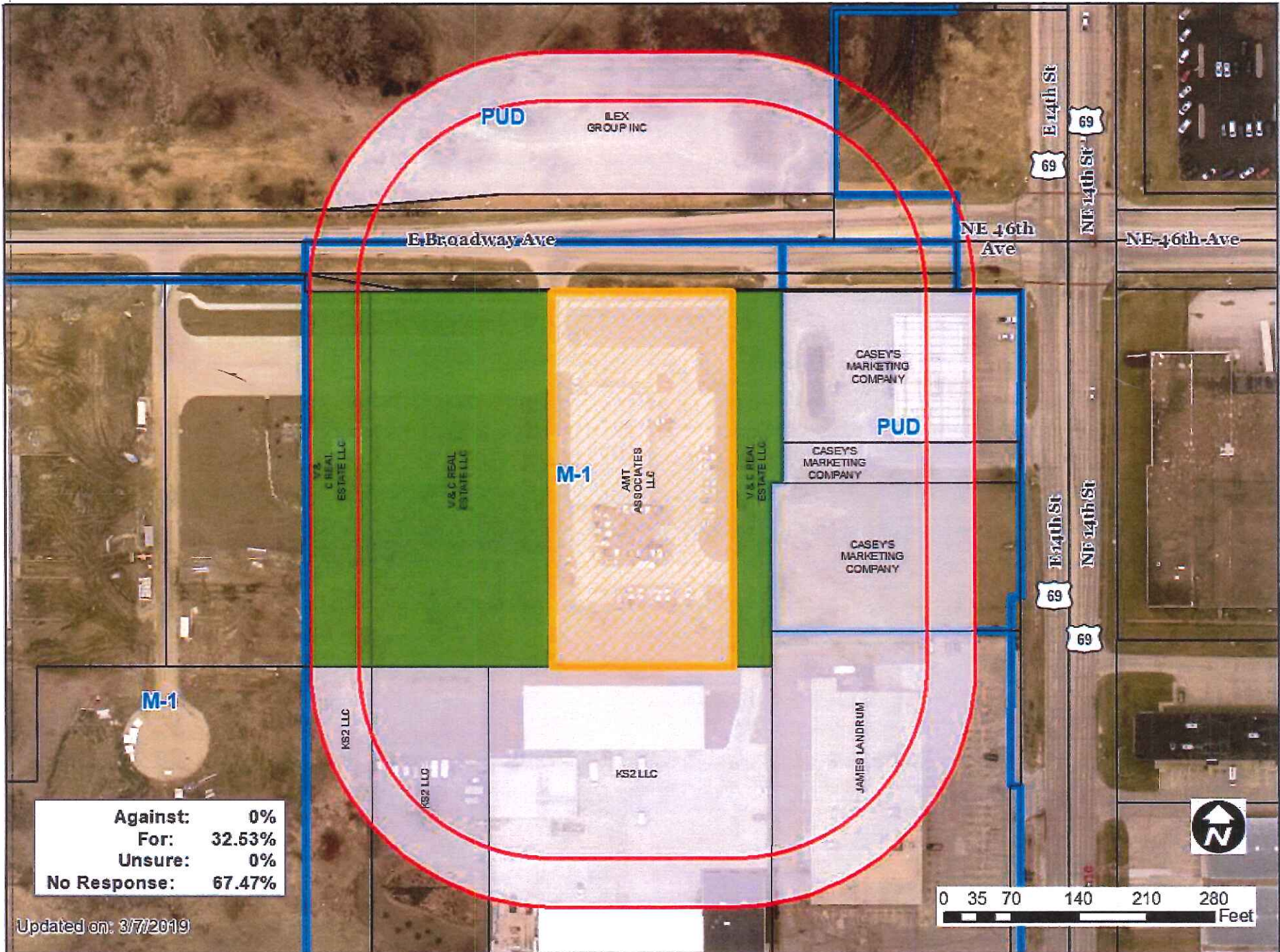
CERTIFICATE

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.

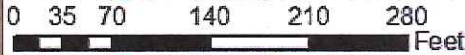
City Clerk

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Against:	0%
For:	32.53%
Unsure:	0%
No Response:	67.47%

Updated on: 3/7/2019



45

Date April 8, 2019
 Agenda Item _____
 Roll Call # _____

March 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 March 7, 2019 meeting, the following action was taken regarding a request AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) for rezoning of property located at 1315 East Broadway Avenue from Limited "M-1" Light Industrial District to a revised Limited "M-1" Light Industrial District to remove the restriction from Ord. No. 14,573 that "the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence", to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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			
Emily Webb	X			

APPROVAL of Part A) the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and to **APPROVE** Part B)

the requested rezoning to the perimeter of any outdoor storage area subject to the following:

1. The use of chain link fencing with slats shall be limited to the subject property.
2. The new outside storage area shall remain at the rear of the building on the subject property.
3. The new outside storage area shall remain the same size as the original outdoor storage area on the subject property.
4. The new outside storage area may utilize the chain-link fencing and slats that surrounded the original outdoor storage area on the subject property but shall incorporate new posts.

(ZON2019-00016)

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends denial of the requested rezoning to remove the restriction that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence.” The request is contrary to the intent of the zoning conditions that were placed on the property in 2006, which were adopted by the City Council with the applicable property owner’s consent to ensure a high level of development occurred in the surrounding business park.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** On June 10, 2006, by Ordinance No. 14,573, the Des Moines City Council rezoned an 18-acre tract of land that included the subject property from “A-1” Agricultural District to a Limited “M-1” Light Industrial District. The rezoning was subject to multiple conditions including the requirement that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence.” The applicant is proposing to remove this zoning condition language as it relates to their 1.68-acre property. They are proposing to use chain link fencing with vinyl slats for screening fence their outdoor storage area.
2. **Size of Site:** 186 feet by 393 feet (73,098 square feet or 1.68 acres).
3. **Existing Zoning (site):** Limited “M-1” Light Industrial District.
4. **Existing Land Use (site):** Vehicular service business focused on the sale and installation of truck bed liners and toppers.

5. Adjacent Land Use and Zoning:

North – North Ridge “PUD”; Use is undeveloped land.

South – Limited “M-1”; Use is light industrial.

East – Casey’s General Store #44 “PUD”; Use is a convenience store.

West – Limited “M-1”; Use is undeveloped land.

6. General Neighborhood/Area Land Uses: The subject property is located on the south side of East Broadway Avenue to the west of the East 14th Street intersection. The surrounding area primarily consist of light industrial and commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property in the Highland Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 15, 2019 and a Final Agenda on March 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 15, 2019 (20 days prior to the public hearing) and February 25, 2019 (10 days prior to the public 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(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association notices were mailed to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

8. Relevant Zoning History: On June 10, 2006, by Ordinance No. 14,573, the Des Moines City Council rezoned an 18-acre tract of land that included the subject property from “A-1” Agricultural District to a Limited “M-1” Light Industrial District. The rezoning was subject to the following conditions:

A. The following conditions shall apply to those portions of the Property described above which are rezoned to a Limited “M-1” Light Industrial District:

1) The following uses of structures and land shall not be permitted upon the Property:

- a) Adult entertainment business;
- b) Animal rendering and slaughtering facilities;
- c) Asphalt and concrete mixing;
- d) Automobile display, hire, rental and sales, including used car sales lots;
- e) Mobile home parks;
- f) Off-premises advertising signs;
- g) Pawn shops, payroll and title loan institutions; and,
- h) Taverns and night clubs.

2) Upon any development or redevelopment of any lot or parcel having frontage upon NE Broadway Avenue (NE 46th Avenue), a 25-foot wide landscaped strip shall be provided upon such lot or parcel adjacent to NE Broadway Avenue, consisting at a minimum of a 2-foot high berm with 4:1 side slopes and one (1)

overstory tree and three (3) shrubs from the approved species in the adopted Des Moines Landscape standards per 30 lineal feet of frontage.

- 3) In addition to paragraph 2) above, landscaping shall be provided upon the development or redevelopment of any lot or parcel to satisfy the minimum landscape standards applicable to development in the "C-2" District under the adopted Des Moines Landscape Standards.
- 4) A six (6') foot wide public sidewalk shall be provided as part of any site plan for the development or redevelopment of property fronting NE Broadway Avenue.
- 5) All outside trash containers must be enclosed with an enclosure matching the primary building materials of the habitable structures.
- 6) Any outdoor storage of equipment and materials shall be restricted to an area located south of the southernmost wall of a building on the lot (extended to the east and west lot lines of the lot). In no event shall any outdoor storage of equipment and materials be setback less than 250' from the south line of the NE Broadway Avenue (NE 46th Avenue) right-of-way. The perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence. No materials may be stacked higher than the height of the perimeter fence of the outdoor storage area."
- 7) All buildings hereafter constructed or placed upon the Property shall satisfy the following architectural design requirements:
 - a. No metal (such as standing seam metal) or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4 feet above grade on any exterior facade fronting an adjoining public or private street.
 - b. No overhead doors or loading docks shall face NE Broadway Avenue unless the building is setback at least 400 feet from the NE Broadway Avenue right-of-way.
 - c. Pole construction buildings are prohibited.
- 8) All buildings hereafter constructed or placed upon lots and parcels with frontage upon NE Broadway Avenue shall satisfy the following additional architectural design requirements:
 - a. At least 60% of the exterior facade facing NE Broadway Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
 - b. Not more than 40% of the exterior facade facing NE Broadway Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - c. The required materials used for the exterior facades facing NE Broadway Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing NE Broadway Avenue.

9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Industrial within a Community Node.
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. **Site Development:** The applicant is in the process of building an addition to the rear of the existing building. The site plan allowing the addition and associated site improvements was administratively approved on November 21, 2018. This site plan complies with all zoning conditions including the screen fence material requirement. Other applicable site plan requirements include landscaping, parking, stormwater management and tree removal mitigation. Grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
2. **Staff Rational:** The subject property is located on the south side of East Broadway Avenue to the west of the East 14th Street intersection. It contains a commercial building that sits in the western half of the middle portion of the site. The applicant is in the process of constructing an addition to the rear of the building with an outdoor storage area to the south of the addition. The proposed rezoning would allow them to install a chain link fence with vinyl slats around the perimeter of the storage area. Staff understands that they wish to reuse a chain link fence that was removed from that site to allow construction of the addition. This fence was allowed in error when the site plan for the existing building was approved in 2007.

The 2006 rezoning was subject to several conditions, including landscaping and general appearance standards, restrictions on the placement of any outdoor storage of equipment and materials to at least 250 feet from the south line of the Northeast Broadway Avenue Right-of-Way, and the required screening of any outdoor storage area. These conditions were put in place to ensure a higher level of development that is required by the base "M-1" District standards.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Lance Arrasmith, 1315 E. Broadway Ave, Representing AMT Associates, LLC, stated the current enclosure is a 12-foot chain link fence with vinyl slats. Right now, the fence sits 250 feet off the roadway and it will be pushed back an additional 75 feet, making it 325 feet from the roadway. The vinyl slats were picked to match the primary structure of the building and believed it was the best looking product that will last a long time.

Greg Jones asked if they will be reusing existing material or buying new.

Lance Arrasmith stated they will use the same chain link fence and slats but will have all new posts.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was nobody present to speak in support or opposition to the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Jones stated he dislikes vinyl slats but in this instance the fence will be setback behind the building and barely visible from the street.

Greg Wattier stated he would be in support of using the same product.

Francis Boggus stated it looks nice with the primary building.

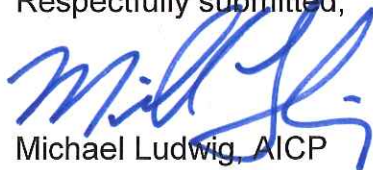
COMMISSION ACTION:

Francis Boggus made a motion to **APPROVE** Part A) the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and to **APPROVE** Part B) the requested rezoning to the perimeter of any outdoor storage area subject to the following:

1. The use of chain link fencing with slats shall be limited to the subject property.
2. The new outside storage area shall remain at the rear of the building on the subject property.
3. The new outside storage area shall remain the same size as the original outdoor storage area on the subject property.
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Motion Carried: 11-0

Respectfully submitted,



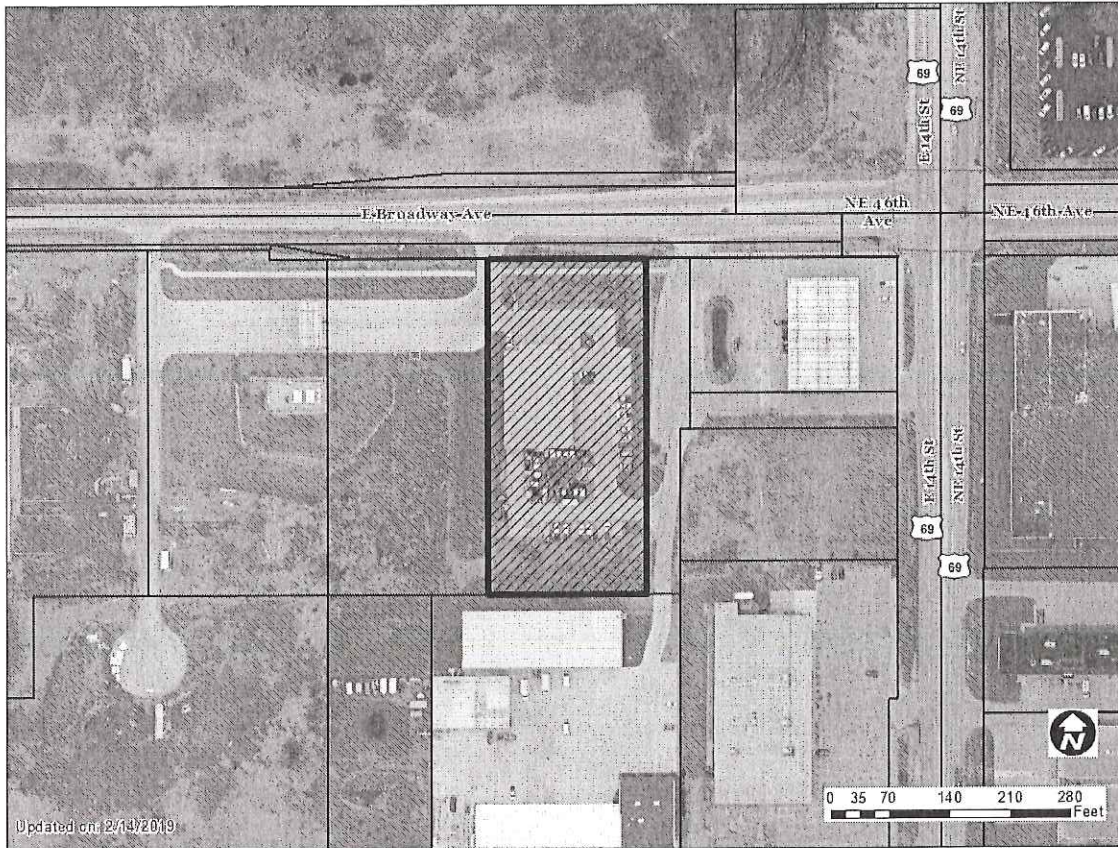
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) for property located at 1315 East Broadway Avenue.				File #	
				ZON2019-00016	
Description of Action	Rezone from Limited "M-1" Light Industrial District to a revised Limited "M-1" Light Industrial District to remove the restriction from Ord. No. 14,573 that "the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence", to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage.				
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	Limited "M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	Revised Limited "M-1" Light Industrial 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

AMT Associates, LLC, 1315 East Broadway Avenue

ZON2019-00016



1 inch = 133 feet

ZON2019-00016

45

em

Date 2-27-19

(am not) in favor of the request

SUBJECT PROPERTY OWNER

(Circle One)

Print Name Lance Arnsmith

Signature

Address 1315 NE Broadway Ave, Des Moines 50313

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

This is the same fence that has been in place for 10+ years

ZON2019-00016

em

Date 3/1/19

(am not) in favor of the request

VAC REAL ESTATE LLC

(Circle One)

Print Name SCOTT TEMPLE

Signature

Address 2400 96th SUITE 24 URB, IA 5032

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

FOR REQUEST AT 1315 E. BROADWAY AVE. SHOULD NEVER BEEN A RESTRICTION IN THE FIRST PLACE BY THE CITY.