

Date..... January 22, 2007

RESOLUTION CONTINUING PUBLIC HEARING ON PROPOSED REZONING
OF PROPERTY IN THE VICINITY OF 2700 OXFORD DRIVE

WHEREAS, on December 18, 2006, by Roll Call No. 06-2466, it was duly resolved by the City Council that the application of David Paladino to rezone certain property he is purchasing from Hirsh Industries, Inc., and located in the vicinity of 2700 Oxford Street, more fully described below, be set down for hearing on January 8, 2007, 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 on December 27, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, on January 8, 2007, by Roll Call No. 07-071 the City Council continued the public hearing at the request of David Paladino until January 22, 2007, at 5:00 p.m.; and,

WHEREAS, David Paladino has requested that the hearing be continued to allow him additional time to finalize the purchase of the property and obtain the owner's consent to the zoning conditions recommended by the Plan and Zoning Commission; and,

WHEREAS, the Plan and Zoning Commission has recommended that the rezoning be approved only if the owner's consent to the zoning conditions is obtained.

MOVED by _____ to continue the public hearing on the proposed rezoning until February 12, 2007, at 5:00 p.m.

FORM APPROVED:



Roger K. Brown, Assistant City Attorney

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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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

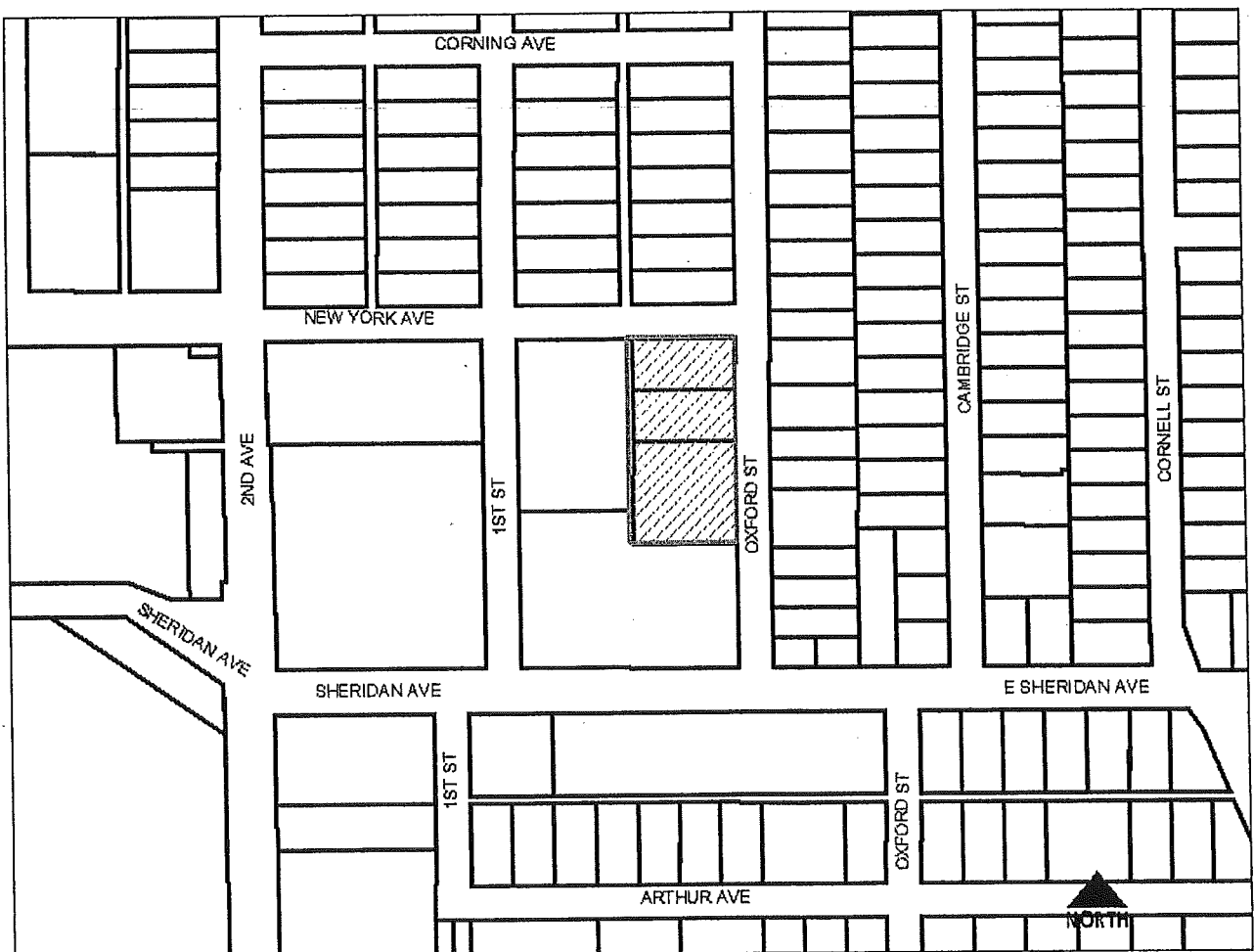
Mayor_____
City Clerk

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Request from David Paladino (purchaser) to rezone property located at 2700 Oxford Street. The subject property is owned by Hirsch Industries, Inc.			File # ZON2006-00175	
Description of Action	Rezone subject property from "R1-60" One-Family Low Density Residential District to a Limited "M-1" Light Industrial District to allow for redevelopment of the property for mini-warehouse and storage use.			
2020 Community Character Plan	General Industrial.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District.			
Proposed Zoning District	Limited "M-1" Light Industrial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	2	3	0	<20%
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

David Paladino - 2700, 2710, 2716 Oxford Street

ZON2006-00175



December 18, 2006

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 December 7, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer				X
Brian Millard				X
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from David Paladino (purchaser) to rezone property located at 2700 Oxford Street from "R1-60" One-Family Low Density Residential District to a Limited "M-1" Light Industrial District to allow for redevelopment of the property for mini-warehouse and storage use subject to the applicant accepting the following conditions on the entire site:

(ZON2006-00175)

1. Prohibition of driveways accessing Oxford Street, and New York Avenue east of 1st Street.
2. Provision of landscaping and buffer in accordance with the City's Landscaping Standards for the "C-2" District.
3. Compliance with all Site Plan requirements of the Permit and Development Center.
4. Compliance with the building code and issuance of all necessary permits for construction.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

5. Prohibition of the following uses:
 - a. Adult entertainment business;
 - b. Asphalt and concrete mixing and products manufacturing;
 - c. Coalyards, cokeyards or woodyards;
 - d. Off-premise advertising signs;
 - e. Package goods stores for the sale of alcoholic beverages;
 - f. Pawn shops, payroll and title loan institutions;
 - g. Taverns and nightclubs; and
 - h. Used car sales lots.
6. Compliance with the following design standards for any future externally accessed mini-warehouse building.
 - a. All building facades facing a public street and not screened by another building, excluding windows and doors, shall be constructed with exterior materials primarily consisting of neutral tone masonry.
 - b. The required materials used for facades facing a public street must wrap around the sides of the building a distance of at least four (4) feet back from the street side façade.
 - c. No storage unit doors shall face Oxford or New York Street.
7. Compliance with the following design standards for all future buildings other than externally accessed mini-warehouse buildings:
 - a. At least 60% of the exterior facade on the ground level of the structure facing a public street, 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 façade facing a public street shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - c. The required materials used for the exterior facades facing a public street 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 a public street.
 - d. No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptible to damage shall be used as an exterior material below four (4) feet above grade.
 - e. No overhead doors or truck loading areas shall face Oxford Street, or New York Avenue east of 1st Street unless screened in a manner determined appropriate by the Community Development Director.
8. All gating and fencing facing a public street shall consist of wrought iron or tubular steel construction and shall be black or a neutral tone in color, with masonry pillars to compliment the appearance of the storage units.
9. Limitation of one-story buildings on the east side and no special height limit on building fronting 2nd Avenue.
10. Site plan to return to the Plan and Zoning Commission for approval of any proposals to modify the architectural or landscaping standards.

Written Responses

2 In Favor

3 In Opposition

This item would not require a 6/7 vote at City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning subject to the applicant accepting the following conditions on the entire site.

1. Prohibition of driveways accessing Oxford Street, and New York Avenue east of 1st Street.
2. Provision of landscaping and buffer in accordance with the City's Landscaping Standards for the "C-2" District.
3. Compliance with all Site Plan requirements of the Permit and Development Center.
4. Compliance with the building code and issuance of all necessary permits for construction.
5. Prohibition of the following uses:
 - a. Adult entertainment business;
 - b. Asphalt and concrete mixing and products manufacturing;
 - c. Coalyards, cokeyards or woodyards;
 - d. Off-premise advertising signs;
 - e. Package goods stores for the sale of alcoholic beverages;
 - f. Pawn shops, payroll and title loan institutions;
 - g. Taverns and nightclubs; and
 - h. Used car sales lots.
6. Compliance with the following design standards for any future externally accessed mini-warehouse building.
 - a. All building facades facing a public street and not screened by another building, excluding windows and doors, shall be constructed with exterior materials primarily consisting of neutral tone masonry.
 - b. The required materials used for facades facing a public street must wrap around the sides of the building a distance of at least four (4) feet back from the street side façade.
 - c. No storage unit doors shall face Oxford or New York Street.
7. Compliance with the following design standards for all future buildings other than externally accessed mini-warehouse buildings:
 - a. At least 60% of the first story exterior facade facing a public street, 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 façade facing a public street shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - c. The required materials used for the exterior facades facing a public street 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 a public street.
 - d. No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.
 - e. No overhead doors or truck loading areas shall face Oxford Street, or New York Avenue east of 1st Street unless screened in a manner determined appropriate by the Community Development Director.

8. All gating and fencing facing a public street shall consist of wrought iron or tubular steel construction and shall be black or a neutral tone in color, with masonry pillars to compliment the appearance of the storage units.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is a part of a larger site the applicant is proposing to redevelop. The proposed project includes the construction of a 3-story climate control storage building on a 120' x 316' parcel located on the southeast corner of 2nd Avenue and New York Avenue and the construction of 10 single-story storage buildings on a 316' x 471' site that includes the 3 parcels that are proposed for rezoning.
2. **Size of Site:** The subject property measures 45,000 square feet (1.03 acres). The entire redevelopment site is 196,236 square feet (4.5 acres) in size.
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District and Gambling Games Prohibition Overlay District. The remainder of the applicants site is zoned "M-1", Light Industrial District.
4. **Existing Land Use (site):** Vacant residential structure and vacant land.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family residential.
 - South* – "M-1", Uses are light industrial.
 - East* – "R1-60", Uses are single-family residential.
 - West* – "M-1", Uses are light industrial.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the eastern edge of the Union Park Neighborhood along the 2nd Avenue corridor. The Union Park Neighborhood consists primarily of residential uses. The general area around the site consists of commercial and light industrial uses along the 2nd Avenue corridor. This generally transitions to residential uses to the east of the site.
7. **Applicable Recognized Neighborhood(s):** Union Park Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Buffering:** Development of this site will require compliance with the Residential District protection requirements of the Zoning Ordinance (Sec. 134-1093). This includes the provision of a 25'-wide buffer with an opaque screen along all property lines that adjoin residential zoning districts. The opaque screen can be accomplished through the use of a fence, berm, plant material or a combination of these elements.
2. **Landscaping:** The applicant will be required to meet the City's Landscaping Standards when the site is developed. The "C-2" District standards apply to the parcel with frontage on 2nd Avenue because it is within 200' of 2nd Avenue, which is a Designated Landscape Corridor. Staff believes that "C-2" level landscaping should be provided on the entire site to mitigate its impact on the adjoining residential uses.

The "C-2" standards include the following:

- a. Open space equal to 20% of the site with 1 overstory deciduous tree, 1 evergreen tree and 1 shrub for every 2,500 square feet of required open space.
- b. A parking lot/vehicular area perimeter landscaped strip with 1 overstory tree and 3 shrubs per 50' lineal feet.

These standards will be evaluated further when the applicant submits a site plan. The applicant may need to provide interior parking lot plantings in addition to the above-mentioned landscaping.

3. **Traffic/Street System:** The site will be primarily accessed from 2nd Avenue, which is an arterial road than can accommodate traffic generated by the proposed development.
4. **Access:** The submitted site sketch indicates the site would be accessed by drives off of 2nd Avenue, New York Avenue, 1st Avenue, and Oxford Street. Staff believes that driveways should be prohibited on to streets that adjoin residential uses. Staff recommends that the prohibition of driveways accessing Oxford Street, or New York Avenue east of 1st Street be a condition of approval.
5. **Parking:** A note on the site sketch indicates the development will have a total of 83 parking spaces. The site sketch does not provide enough information to determine if the proposed parking meets all of the City's requirements. This will be evaluated further during the site plan review process.
6. **Urban Design:** The subject property is at a transition point between residential uses to the east, and light industrial and commercial uses to the west. Staff believes that it is important that this property be well landscaped and that quality building materials be used when the site is developed. Staff recommends the following design requirements.
 1. Compliance with the following design standards for any future mini-warehouse building.
 - a. All building facades facing a public street, not screened by another building, shall be constructed with exterior materials primarily consisting of neutral tone masonry.
 - b. The required materials used for facades facing a public streets must wrap around the sides of the building a distance of at least four (4) feet back from the street side façade.
 - c. No storage unit doors shall face Oxford or New York Street.
 2. Compliance with the following design standards for all future buildings other than mini-warehouse buildings:

- a. At least 60% of the exterior facade facing a public street, 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 a public street shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - c. The required materials used for the exterior facades facing a public street 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 a public street.
 - d. No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.
 - e. No overhead doors or truck loading areas shall face Oxford Street or New York Avenue east of 1st Street unless screened in a manner determined appropriate by the Community Development Director.
3. All gating and fencing facing a public street shall consist of wrought iron or tubular steel construction and shall be black or a neutral tone in color, with masonry pillars that compliment the appearance of the buildings on the site.

SUMMARY OF DISCUSSION

Bert Drost: Presented staff report and recommendation. Noted the applicant had not submitted any site plans or elevations. Presented the conceptual site sketch the applicant had submitted.

Brook Rosenberg left the meeting at 7:50 p.m.

Dann Flaherty: Asked about building height.

Larry Hulse: Noted the district would allow up to 75'.

David Paladino, 101 N. 38th Avenue: Owner of Dino's Storage. Pointed out a consideration that the three lots on the east are the only ones being requested for rezoning. Also noted in the Comprehensive Plan the area was planned to be zoned Industrial but there were three homes in the area at that time. With regard to the staff recommendation, they did not submit any elevations because they wanted to build a building that would be allowed in the industrial zoning classification. Would like to build a building without as much brick. Has never been required by a City to do that and it adds 25% to the cost of the project. Did not think the subject property should be required to have brick. Pointed out there have been two pre-application meetings and staff encouraged them to build on the subject site. Noted the median household income of Des Moines, they would be bringing a product into the area and would like staff to encourage their development instead of the excessive requirements.

Tim Urban: Asked for clarification from staff regarding the 25' buffer screening being applied for residential districts and asked if the requirements would apply to both frontages.

Mike Ludwig: Noted the M-1 is to the west of the three parcels and the buffer requirement for the residential would be to the north and the east.

Tim Urban: Asked about the redundancy of the buffer screening and the brick on the same elevations.

Mike Ludwig: Noted the landscape buffer would not be solid.

Tim Urban: Suggested there may be architectural materials that would be more cost-effective and would be as attractive as brick.

Mike Ludwig: Noted the Commission could put conditions on it and would need to define what standards they wanted the developer to meet for landscaping and buffering.

Tim Urban: Asked if a motion could include a provision that the architectural requirements versus landscaping or other devices could be negotiated between staff and the developer.

Larry Hulse: Just need to make sure the wording is clear so that when it gets built, it is what the Commission wanted.

Tim Urban: Asked if the applicant explored other masonry products such as a block building.

David Paladino: Noted their project on SE 14th Street has nova brick, which is more of a brick siding. It was \$20 per square foot for the areas affected. Tilt-up doesn't work very well because of the waste as a result of the number of doors and they found split-faced block to be more expensive as well.

Tim Urban: Asked about negotiating with staff regarding trading off opaque screening for architectural material.

David Paladino: Noted if they had to go with an architectural material, they would use alumi-shield, which is an embossed, metal insulated panel, which they found to be the step between steel siding and brick; it looks like stucco.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in favor of this request.

The following individual spoke in opposition:

John Morrissey, 2713 Oxford Street: Asked the Commission to take the applicant up on his statement that he doesn't care what happens on the residential portion of the property and leave it residential. The practical use of the property has provided the residents with more buffer than might otherwise be the case. To allow the applicant to rezone the property will take the buffer away and result in an intrusive effect on the neighborhood. Kids use the property to play on. Need to address the issue and make it clear that the site will not be a high-rise site. Pleased to see the staff suggested no access from Oxford and New York. Need help to deter truck traffic from any further east than 1st Street; need a barrier.

Tim Urban: Asked what the typical materials used on the residences surrounding the property are.

John Morrissey: Noted there is a fair amount of stucco on the lower portion and a siding or panel on the upper portion and there is a lot of vinyl siding going up and clapboard with 4" exposure.

Tim Urban: Asked about single-story structures.

John Morrissey: Does not have an opinion on the corner of 2nd Avenue.

Tim Urban: Asked if there were a choice between fencing, landscaping substantial enough to minimize the view of the buildings, if he would prefer that versus having brick or block without the dense screening material.

John Morrissey: Noted his preference would be not to build on the eastern edge of the property. As a residential neighbor to the property, he would need to see a drawing; if they can hide the structures it would be preferable. If the buffer area is not fenced at the street, it would be a bonus if the kids could play there. Would appreciate that being accommodated. Also noted there are no sidewalks on the parcel and asked if they were required.

Mike Ludwig: Noted the sidewalks would be addressed through review of the site plan. Explained staff believed it would be better to use the back of the building as a screen with landscaping.

Tim Urban: Noted there could still be berming and dense landscape with evergreen material to screen the buildings.

David Cupp: Did not like using landscape material for buffering because of the need for maintenance.

Greg Jones: Asked if the Community Character Plan should be changed back to residential. Asked if, since the developer made the statement that the project could be done without the parcel what would be gained or lost.

Larry Hulse: Explained it was an option available to the Commission. If the applicant only developed the existing M-1 portion of the property there would be no architectural limitations.

Craig Wetzel, Remax Real Estate Concepts: Asked if the request is to rezone the parcel from residential to M-1, if it would be done or recommended to the Council anyway or just as part of the storage project.

Dann Flaherty: If it is rezoned any development would be subject to the conditions noted.

Craig Wetzel: Noted the existing buildings do have a demand, which has come forth and they would be used in their existing status. Also asked if there had been any consideration on the demolition for environmental concerns.

Dann Flaherty: Noted he would have to respond to that with the agencies responsible for those issues.

David Paladino: Noted he has already done a Phase I and there were no environmental issues. The storage facility has a low use and they do not design the facilities for trucks, tractor-trailers or semis, but for 32' U-Hauls and a firetruck. They would only have access on 1st Street to the back parcel. There would only do the height as one-story in the back and they would agree to that in writing. The per capita income was only brought up to show that they embrace that and they feel their use can service that market where other uses might require a higher per capita income. If the three lots aren't changed to industrial, asked what their highest and best use would be.

CHAIRPERSON CLOSED THE PUBLIC HEARING

David Cupp: Moved staff recommendation.

Tim Urban: Offered a friendly amendment that if the petitioner chooses to propose a modification of the architectural standards in a trade off for buffer screening, that the site plan would have to return to the Plan and Zoning Commission for approval.

David Cupp: Accepted the friendly amendment.

Bruce Heilman: Suggested the development on SE 14th Street was a tough piece of land to develop but with the brick the Commission was very pleased and if the brick is a deal-breaker for

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the subject site, then the three parcels should not be rezoned. The SE 14th Street development is of high quality. Expressed support for sticking to the staff recommendation.

Tim Urban: Also suggested that all buildings on the entire site be limited to one story.

Larry Hulse: Clarified the height limitation would only be for the buildings east of 1st Street and would not include the one along 2nd Avenue.

Tim Urban: Noted he was only talking about the site between 1st & York, Oxford and Sheridan.

Roger Brown: Noted City Council cannot impose any condition that has not been agreed to in writing in advance by the applicant and explained he would present the changes to the applicant for his agreement or not and if he chooses not to agree to them then the decision for Council will be to deny it or to approve it without the conditions.

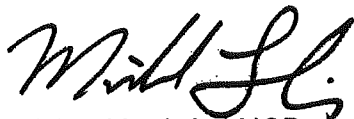
Tim Urban: Noted the purpose for his amendment was to provide an alternative to the applicant that if he wants to deviate from the architectural requirements, he would have to negotiate with the staff over additional screening elements, in which case a site plan would have to return to the Commission.

David Cupp: Accepted friendly amendments.

Dann Flaherty: Reiterated the motion to be staff recommendation with buildings east of 1st Street limited to one-story and no limit on the 2nd Avenue buildings, and if something different is to be done with landscaping and architecture it would need to be worked out and brought to the Commission for approval.

Motion passed 8-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2006 00175

Date 11-28-06 45

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

(Circle One)

RECEIVED

DEC 01 2006
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Laura Higgins

Signature Laura Higgins

Address 2814 1st Street

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

I think it will be alot better than what was in there.

Item 2006 00175

Date Nov. 28 2006

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

(Circle One)

RECEIVED

DEC 01 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Kelly J. Hensley

Signature Kelly J. Hensley

Address 2814 1st St.

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

I think that it might make an improvement in the neighborhood. Its would be much better than another factory.

Item 2006 00175

Date NOV 28th 06

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

(Circle One)

RECEIVED

DEC 01 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name LOGAN ENOS

Signature Logan Enos

Address 2817 OXFORD ST

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

Why change the zoning and destroy neighborhood
when EAST CITY has lots of land for just such a
business?

Item 2006 00175

Date 11-29-06

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

(Circle One)

RECEIVED

DEC 01 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Chas M. Dawson

Signature Chas M. Dawson

Address 2612 Cambridge St
Des Moines, 50313-4823

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

We allowed a company to move into a
Trucking Bldg on Sheridan Ave - a so called
privacy fence. It's now a junk yard with
refrigeration cases and fence deteriorated. We
Need more open space to keep the homes of
Oxford from the Commercial section on 1st St,
Sheridan & New York-

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Item 2006-00175

Date 11/28/06

I (am) ☒ (am not) in favor of the request.
(Circle One)

RECEIVED

DEC 01 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name CHRISTINA Simpson

Signature Christina Simpson

Address 2804 Oxford St. N.W.
50313

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

THERE will be much more traffic in the
AREA and the flood lights will be a
nusence for people in the area

THANK YOU
CJS.

