

56A

Date February 11, 2013

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held January 17, 2013, the members voted 11-0 to recommend **APPROVAL** of request from Elizabeth Ann Grask Revocable Trust represented by J. Philip Grask (trustee) to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development for property located at 2020 Highview Drive.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby denied/approved.

MOVED by \_\_\_\_\_ to deny or approve the proposed amendment.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(21-2012-4.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

January 23, 2013

Item 56A  
# \_\_\_\_\_

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 January 17, 2013, the following action was taken regarding a request from Elizabeth Ann Grask Revocable Trust represented by J. Philip Grask (trustee) to rezone property located at 2020 Highview Drive.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes				X
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill	X			

**APPROVAL** of Part A) to find the rezoning **not** in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Low Density Residential; Part B) to approve the amendment of the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development; and Part C) to approve the rezoning from "C-0" Commercial Residential District to "C-2" General Retail and Highway-Oriented Commercial District, subject to the following conditions: (ZON2012-00224 & 21-2012-4.18)

1. Use of the property shall be limited to the following:
  - a. Any use as permitted and limited in the "C-0" District.
  - b. Parking lots used for the temporary placement of motor vehicles.
2. The applicant shall provide wood privacy fence along the east boundary and resolve stormwater run-off issues via grading, on site detention and/or storm sewer connection to Fleur Drive.



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

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the rezoning be found not in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Low Density Residential.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.

Part C) Staff recommends approval of the rezoning from "C-0" Commercial Residential District to "C-2" General Retail and Highway-Oriented Commercial District, subject to the following conditions:

1. Use of the property shall be limited to the following:
  - a. Any use as permitted and limited in the "C-0" District.
  - b. Parking lots used for the temporary placement of motor vehicles.
2. Any off-street parking shall be setback at least 25 feet from the front property line adjoining Highview Drive.
3. Any fence shall be setback at least 25 feet from the front property line adjoining Highview Drive.

### Written Responses

- 4 In Favor
- 2 In Opposition

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the property to be used in common with a private long-term airport parking lot use that is proposed for the properties adjacent to the west. The adjoining parcels known as 5907, 5919, and 5921 Fleur Drive are currently zoned "C-2" District, which allows for the private long-term parking lot use. The conceptual site sketch submitted with the rezoning application demonstrates that the proposed use of 2020 Highview Drive would allow for approximately 50 additional parking spaces.

Any future development on the property must be in accordance with a Site Plan as approved administratively by the City's Permit & Development Center.

2. **Size of Site:** 80 feet by 250 feet (20,000 square feet or 0.46 acre).
3. **Existing Zoning (site):** "C-0" Commercial-Residential District.
4. **Existing Land Use (site):** The site contains a paved parking lot that is within 0 feet of the front property line along Highview Drive and within approximately 18 feet of the residential property adjacent to the east.

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

**North** – “C-2”, Uses include Highview Drive and a single-family dwelling.

**South** – “R1-70”, Uses is a single-family dwelling.

**East** – “R1-70”, Use is a single-family dwelling.

**West** – “C-2”, Uses include a gas station/convenience store (Phillips 66), two unoccupied commercial buildings, and a parking lot.

**6. General Neighborhood/Area Land Uses:** The subject is located between commercial properties along the Fleur Drive commercial corridor and a low-density residential neighborhood.

**7. Applicable Recognized Neighborhood(s):** The subject property is within the Watrous South Neighborhood and within 250 feet of the Southwestern Hills Neighborhood. These neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on December 21, 2012. A Final Agenda was mailed to the neighborhood associations on January 11, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2012 (20 days prior) and January 7, 2013 (10 days prior to the scheduled hearing) to the Watrous South and Southwestern Hills Neighborhood Associations 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 person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Watrous Neighborhood Association mailings were sent to James Spiller, PO Box 35845, Des Moines, IA 50315 and the Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29<sup>th</sup> Street, Des Moines, IA 50321.

The applicant held a neighborhood meeting on November 8, 2012. A summary of the meeting will be provided at the public hearing.

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

**9. 2020 Community Character Land Use Plan Designation:** Low Density Residential.

**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. Site Plan Requirement:** Any future development upon the subject property would be subject to City’s site plan requirements with regards to stormwater, paving material, landscaping, screening, etc.

2. **2020 Community Character Plan:** The proposed Limited “C-2” District would be consistent with the proposed Commercial: Auto-Oriented, Small-Scale Strip Development land use designation.
3. Staff believes the request to amend the existing future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development would be appropriate so long as permitted uses upon the property are limited to a) those as permitted in the “C-0” District or b) parking lots used for the temporary placement of motor vehicles.
4. **Off-Street Parking:** The proposed “C-2” District regulations would allow the proposed parking lot use to be within 5 feet of the front property line adjoining Highview Drive. Given the presence of a single-family dwelling with a 25-foot front yard setback on the parcel adjacent to the east and the single-family dwelling directly across Highview Drive to the north, staff believes that it is necessary to require a 25-foot front yard setback along Highview Drive for any off-street parking lot and any fence.
5. **Access/Street System:** The conceptual site sketch submitted with the rezoning application demonstrates that the proposed parking lot use would utilize and improve an existing drive approach along Highview Drive. The applicant has indicated that the proposed long-term airport parking lot would be surrounded by an 8-foot tall chain link fence and would have a security gate at its entrance along Highview Drive. Traffic & Transportation Division of the City’s Engineering Department has indicated that their policy is to require at least one vehicle length (18 feet) of driveway for vehicle queuing on private property in front of any security gate to ensure the adjoining streets or sidewalks are not blocked by vehicles awaiting entry. This area for vehicle queuing would be provided if the fence is setback at least 25 feet in accordance with the recommended conditions of approval.
6. **Landscaping/Screening:** Any future development must be in accordance with the City’s Landscaping Standards. These would require a mix of planting along the perimeter of the site and on landscape islands within the parking lot. In addition, a 6-foot tall solid screen would be required to buffer the parking lot from the adjacent residential uses.

## SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Dann Flaherty asked would this be a parking lot under “C-0” zoning.

Erik Lundy stated “C-0” zoning allows a parking lot as an accessory to the principal use via a site plan for extension of parking and it can only be used for customer parking.

Mike Ludwig clarified under the current zoning they would have to come to the Plan and Zoning Commission to get approval for that parking lot extension. The design requirements prohibit parking in the front yard setback. By asking for the zoning the applicant is asking to be able to park in the front yard and if this zoning were approved they would have an administrative site plan review for their parking lot. Staff is okay with zoning being approved but with the exception of keeping parking out of that front yard setback.

Dann Flaherty asked about the proximity of this property to the Airport.

Erik Lundy stated the airport is directly across the street to the west.

Dann Flaherty asked that under the 2020 Community Character Plan is this area part of airport support areas.

Erik Lundy stated no it is considered Auto Oriented Commercial.

Vicki Stogdill asked if the decision tonight is just for the zoning and the site plan would come back to the Commission.

Erik Lundy stated no it would not come back to the Plan and Zoning Commission for a site plan if it were rezoned. If it was not rezoned then the applicant would have the option to come back to the Plan and Zoning Commission with a site plan under the provisions that allow for extension of parking into a more restrictive zoning district.

Vicki Stogdill stated that some of the response cards have some concerns about the runoff problem and they recommend a speed bump at the exit because of the traffic that exits at that point. Asked if the runoff problem been addressed.

Erik Lundy stated that during the site plan review staff would require that the applicant collect runoff and direct it into the storm sewer. This is not enough of an area that would trigger what is called stormwater detention. The Commission can ask for this as a condition of zoning to implement some level of detention.

Vicki Stogdill asked without doing the detention can the applicant do the grading so it runs the other way.

Erik Lundy stated yes. The administrative review of the site plan would look to prevent additional runoff onto residential areas.

Vicki Stogdill stated she wanted to be sure that the runoff is reviewed so the neighborhood is not getting damaged.

Caleb Smith with McClure Engineering Company, 1360 NW 121<sup>st</sup> Clive explained that the applicant's intent is to keep as much existing parking in place. Along the east side the applicant is proposing the buffer that would be required as part of the site plan ordinance. They are also proposing a privacy fence along that east side. Currently there is only a chain link fence. They are going to pull back and open up an area along Fleur for a little more green space. They plan to put in some decorative planters with some ornamental grasses planted in them. Trying to get this as a more functional product. In regards to the drainage, there is a point that sheds towards one corner. At this point the applicant has done all that they can given the existing conditions they have to work with to push as much of it another way. To summarize, they are going to reestablish curb so water will not flow onto the neighboring property to the east. As revenue comes in they can do an overlay to push water towards Fleur but with the existing pavement and the current grading there is only so much they can do to redirect flows and still make this a viable project. The idea of storm sewer would be a possibility but it means more pavement removal and more storm sewer cost. The applicant's financing is at a point that spending more money could be the kind of deal to kill the project. They proceeded with this rezoning because at the site plan review they believed that they could get the "C-2" standards for the parking setback. Currently, the existing parking lot is almost on the property line. They are proposing to pull that back 10 feet so they can meet the intent of the "C-2" zoning and provide a little better separation off the property line. He believes there are multiple issues as to the cause of the water issues the neighbors are concerned with. He believes that everything they are doing will help with the water issue but doing more would be cost prohibitive.

Christine Pardee asked what type of fence are they proposing.

Caleb Smith stated it would be a wood privacy fence.

JoAnne Corigliano asked if they were also considering a speed bump on Highview.

Caleb Smith stated that all access is to come from the south off Payton and the access on Highview will be gated. It will only be accessible to emergency personnel.

Dann Flaherty asked about what is going to happen with the billboard sign.

Caleb Smith stated it would be retained.

Dann Flaherty stated his biggest concern is the water issue. Asked how they plan to retain water so that it does not go onto the neighbors.

Caleb Smith stated they are reducing an impervious area by 4,000 square feet as part of this project. They are maintaining the existing drainage that was in place and changing it to the extent that they can to redirect the water where they can.

Dann Flaherty stated that the applicant is not doing anything to take care of the neighbors. They are coming to the Commission asking for a rezoning but do not want to do anything to protect those people who live below their property.

Caleb Smith stated from storm water perspective they probably cannot do to the extent of what the Commission would like for them to do. He believes that they have done other things to make this a lot better for those citizens next door, such as constructing a privacy fence, installing rows of landscaping, and pushing the parking further away from the existing property owners to the east.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in opposition of the applicant's request:*

Connie Fisher 2015 Payton Avenue stated she has had problems with water runoff from the subject property. She has a privacy fence along her back yard. She hired a landscape contractor because she wanted to put in a perennial garden. Due to the water runoff she had to hire someone to take it all out. She cannot keep mulch in the yard. When the water runoff comes through with the force it has it ruins her yard. She would love to see this project happen. However, the water runoff has to be taken care of. She is also concerned about the honking of horns when the alarm systems are set off.

Dann Flaherty asked if the neighborhood association was aware of the neighborhood meeting.

Connie Fisher stated she was not sure.

Dean Curtis 2014 Highview Drive stated the neighbors that he has talked to have all approved the applicant's request. His biggest concern is the water runoff to the east. The neighbors are all excited because this project will be a lot better off than what it is right now. There are a lot of cracks in the concrete, the applicant has promised to take care of those, either clean them out or fill them up to make it look decent. Overall he would be happy with the applicant proposal as long as they do something about the water runoff.

## CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson made a motion to approve staff recommendation with an additional condition that the applicant shall provide wood privacy fence along the east boundary and resolve stormwater run-off issues via grading, on site detention and/or storm sewer connection to Fleur Drive.

Greg Wattier stated the applicant can still do detention and have the water spill to the east. Maybe the intent should be clarified.

Mike Simonson stated that he would like to give staff wiggle room. The Commission is desiring to prevent or at least greatly reduce the amount of water that is running on to the neighbors property. They are already affecting that paved area so it is a matter of running a pipe back to Fleur or somewhere else. He believes that staff understands the intent.

Dann Flaherty asked if the Commission wants to add any requirements about the detention of water on the property.

Mike Ludwig stated that due to the amount of impervious area being added or removed there may be little that can be required via a site plan review. The zoning is the appropriate mechanism to request stormwater improvements.

Dann Flaherty asked what is their process.

Greg Jones stated that the City's requirement is that you retain the difference between a hundred year developed storm and a five year undeveloped storm and to release at the five year undeveloped rate.

Mike Ludwig asked if there is an existing curb along the east lot line.

Caleb Smith pointed out the only existing curb line in place. He talked to the applicants about the storm sewer issue. Given what they are trying to do, adding detention on site is problematic. A compromise could be to keep the four stalls in the front yard setback and provide storm sewer and tie it in to existing storm sewer along Fleur.

Greg Jones stated that the applicant's proposal seems reasonable to trade off as long as the neighbors do not have a problem. It is already paved almost out to the street anyway. Staff was wanting to eliminate parking in the front yard setback. If the water issue is solved then the biggest problem is being addressed.

Mike Ludwig stated the curbing is the first step to reducing the flow that is going to the east right now. They would take a look at that.

Tim Fitzgerald asked if Ms. Fisher was in agreement with the applicant's compromise.

Connie Fisher stated that she is not sure.

Mike Ludwig stated that it will take multiple items that are being discussed to address this issue. It may involve a curb and it is likely to involve some sort of piping of storm water and likely some surface lot detention. Surface lots that are paved and curbed can store storm water in short term events. As long as the applicant is willing to work with staff it should be addressed through the site plan review, administratively. He asked if the engineer or applicant be willing to meet with the neighbors prior to any construction if the zoning is approved by the City Council.

Caleb Smith stated he believes that is fair.

**COMMISSION ACTION:**

Mike Simonson moved staff recommendation Part A) that the rezoning be found not in conformance with the current Des Moines' 2020 Community Character Plan future land use designation of Low Density Residential, Part B) approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development, and Part C) approval of the rezoning from "C-0" Commercial Residential District to "C-2" General Retail and Highway-Oriented Commercial District, subject to the following conditions:

1. Use of the property shall be limited to the following:
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  - b. Parking lots used for the temporary placement of motor vehicles.
  
2. The applicant shall provide wood privacy fence along the east boundary and resolve stormwater run-off issues via grading, on site detention and/or storm sewer connection to Fleur Drive.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment