



Date October 21, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2013, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Galinsky Family Real Estate, LLC (purchaser) represented by Gary Galinsky (officer) to rezone property located at 5035 Hubbell Avenue from "A-1" Agricultural District to Limited "M-1" Light Industrial District to allow reuse and redevelopment of the property for warehousing and mini-warehousing subject to the applicant agreeing to the following conditions: The subject property is owned by Homemakers Plaza, Inc.

A. The following uses of structures and land shall be prohibited upon the Property:

1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted.
2. Farms, except growing crops on any land that has not been improved.
3. Asphalt or concrete mixing or production facilities.
4. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances.
5. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated.
6. Cemeteries.
7. Adult entertainment businesses.
8. Arcades or game rooms as a substantial portion of a business.
9. Taverns and nightclubs.
10. Animal rendering or slaughter facility.
11. Off-premises advertising signage.
12. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility.
13. Jail, prison, or any other correctional facility of any kind.
14. Any public or private nuisance or illegal activity.
15. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks.



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16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
  17. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
  18. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
  19. Package goods store for the sale of alcoholic beverages.
  20. Vehicle display lots, including but not limited to used car sales lot.
  21. Pawn brokerages.
  22. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.
- B. The following standards shall apply to any building hereafter constructed for miniwarehouse use:
1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
  2. No storage access doors shall be oriented toward a public street, any adjoining residential zoning or development, or toward the west property line.
- C. Any fencing along the north, west, and south perimeter of the site shall consist of wrought iron style fencing unless providing a privacy fence is necessary to provide screening for an adjoining property.



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- D. Outside storage on the premises shall be prohibited.
- E. Provision of downward directed, shielded lighting to avoid shining obtrusively onto adjoining properties.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director as being comparable in overall quality.
- G. All overhead doors and loading docks on any principal or accessory building shall not face Hubbell Avenue or East Broadway Avenue, unless determined by the Community Development Director that no other reasonable location for the overhead doors and loading docks exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
- H. Any development of the property shall comply with the City's Landscaping Standards applicable to the "C-2" District.

The subject property is more specifically described as follows:

Lots 44 and 45, Glen Acres, an Official Plat, and the West 330 feet of the North 660 feet of the Northeast ¼ of the Northwest ¼ of Section 22, Township 79 North, Range 23 West of the 5<sup>th</sup> P.M. , all 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 meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 4, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.



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- 2. 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:

Michael F. Kelley  
Assistant City Attorney

(ZON2013-00156)

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

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REGISTER ORDER NO. \_\_\_\_\_ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF HEARING

TO WHOM IT MAY CONCERN

Notice is hereby given that on November 4, 2013, at 5:00 P.M., in the Council Chambers at City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Galinsky Family Real Estate, LLC (purchaser) represented by Gary Galinsky (officer) to rezone property located at 5035 Hubbell Avenue "A-1" Agricultural District to Limited "M-1" Light Industrial District to allow reuse and redevelopment of the property for warehousing and mini-warehousing.

A map and legal description of the subject property is on file and available for public inspection in the office of the City Clerk.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA

By: \_\_\_\_\_ T.M. Franklin Cownie, Mayor

ATTEST:

\_\_\_\_\_  
Diane Rauh, City Clerk

Published in the Des Moines Register on \_\_\_\_\_

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Roll Call # \_\_\_\_\_

October 11, 2013

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 October 3, 2013, the following action was taken regarding a request from Galinsky Family Real Estate, LLC (purchaser) represented by Gary Galinsky (officer) to rezone property located at 5035 Hubbell Avenue.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** to find the requested rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development; to approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park; and approval of the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

(21-2013-4.20 & ZON2013-00156)

A. The following uses of structures and land shall be prohibited upon the Property:

1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted.



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

2. Farms, except growing crops on any land that has not been improved.
3. Asphalt or concrete mixing or production facilities.
4. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances.
5. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated.
6. Cemeteries.
7. Adult entertainment businesses.
8. Arcades or game rooms as a substantial portion of a business.
9. Taverns and nightclubs.
10. Animal rendering or slaughter facility.
11. Off-premises advertising signage.
12. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility.
13. Jail, prison, or any other correctional facility of any kind.
14. Any public or private nuisance or illegal activity.
15. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks.
16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
17. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
18. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
19. Package goods store for the sale of alcoholic beverages.
20. Vehicle display lots, including but not limited to used car sales lot.
21. Pawn brokerages.
22. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.

- B. The following standards shall apply to any building hereafter constructed for miniwarehouse use:
  - 1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
  - 2. No storage access doors shall be oriented toward a public street, any adjoining residential zoning or development, or toward the west property line.
- C. Any fencing along the north, west, and south perimeter of the site shall consist of wrought iron style fencing unless providing a privacy fence is necessary to provide screening for an adjoining property.
- D. Outside storage on the premises shall be prohibited.
- E. Provision of downward directed, shielded lighting to avoid shining obtrusively onto adjoining properties.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director as being comparable in overall quality.
- G. All overhead doors and loading docks on any principal or accessory building shall not face Hubbell Avenue or East Broadway Avenue, unless determined by the Community Development Director that no other reasonable location for the overhead doors and loading docks exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
- H. Any development of the property shall comply with the City's Landscaping Standards applicable to the "C-2" District.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park.

Part C) Staff recommends approval of the requested rezoning to "Limited M-1" Light Industrial District subject to the applicant agreeing to the following conditions:

- A. The following uses of structures and land shall be prohibited upon the Property:
  - 1. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential



facility of any kind, except that hotels and motels who rent to transient guests are permitted.

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16. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is "unreasonable" shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
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