



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 11-1 in support of a motion to recommend **DENIAL** of a request from Raccoon Street Warehouse, LLC (owner) represented by Kurt Pagliai (officer) to rezone property located at 301 and 309 Southeast 8th Street from "M-1" Light Industrial District to "M-2" Heavy Industrial District to allow a future request for a Conditional Use to allow a beverage container recycling business.

The subject property is more specifically described as follows:


All Lots 1 through 10, and vacated intervening North/South alley Right-of-Way, Block 35, Town of De Moines, an Official Plat, 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.
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.

FORM APPROVED:

Moved by _____ to adopt.



 Michael F. Kelley
 Assistant City Attorney

(ZON2013-00157)

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

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 Raccoon Street Warehouse, LLC (owner) represented by Kurt Pagliai (officer) to rezone property located at 301 and 309 Southeast 8th Street from "M-1" Light Industrial District to "M-2" Heavy Industrial District to allow a future request for a Conditional Use to allow a beverage container recycling business.

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:

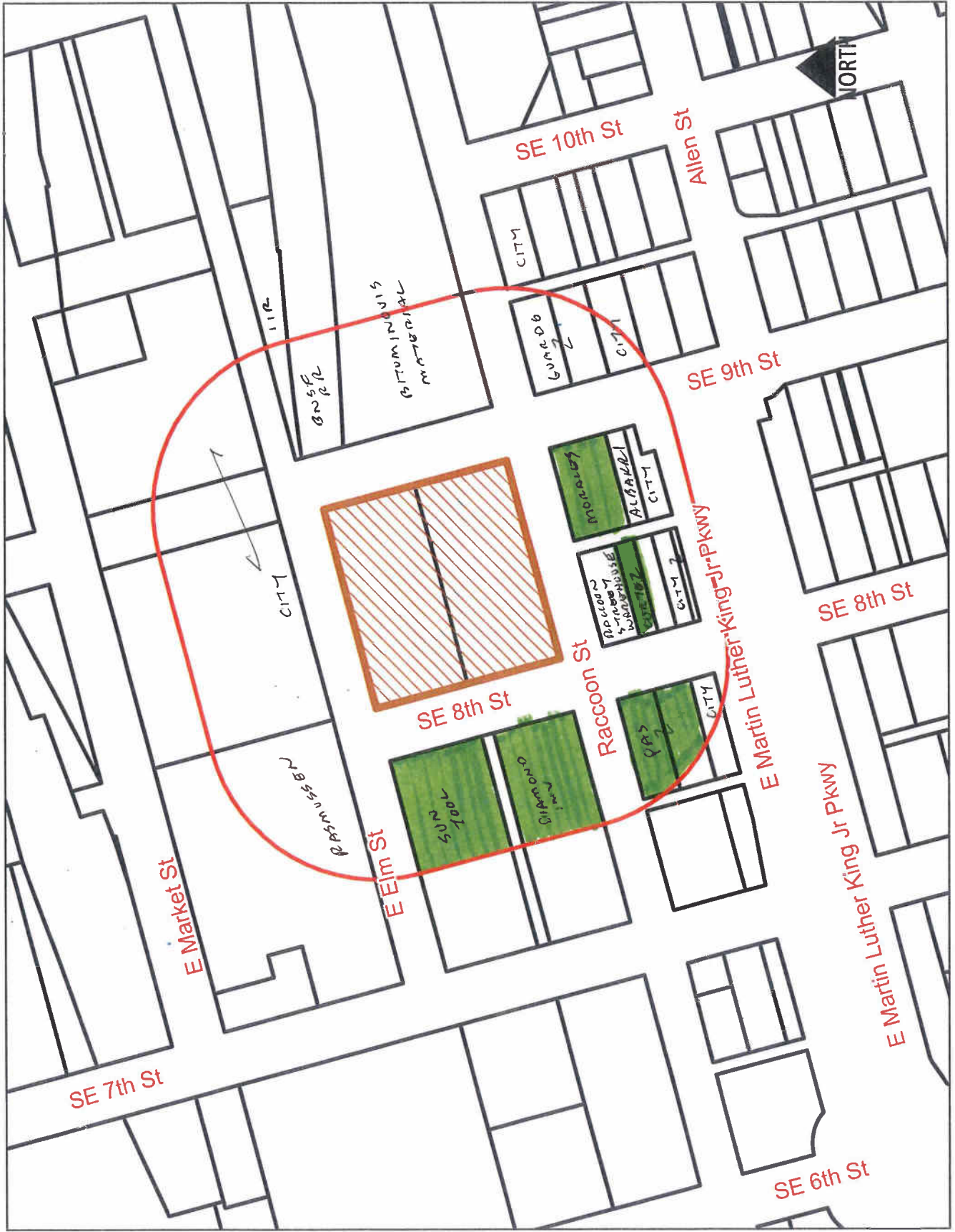
Diane Rauh, City Clerk

Published in the Des Moines Register on _____

ZON2013-00157

Raccoon Street Warehouse LLC - 301 and 309 SE 8th Street

15



SE 7th St

E Market St

E Elm St

SE 8th St

Raccoon St

E Martin Luther King Jr Pkwy

SE 6th St

E Martin Luther King Jr Pkwy

SE 8th St

SE 9th St

SE 10th St

Allen St

NORTH

CITY

CITY

BRISFL

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Date October 24, 2013

Agenda Item 15

Roll Call # _____

October 10, 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 Raccoon Street Warehouse, LLC (owner) represented by Kurt Pagliai (officer) to rezone property located at 301 and 309 Southeast 8th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown Support Commercial.

By separate motion Commissioners recommended 12-0 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



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

Commission Action:	Yes	Nays	Pass	Absent
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

DENIAL of a request to amend the Des Moines' 2020 Community Character Plan future land use designation from Downtown Support Commercial to General Industrial.

(21-2013-4.21)

By separate motion Commissioners recommended 12-0 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			

DENIAL of the requested rezoning to remove the "D-O" Downtown Overlay District designation.

By separate motion Commissioners recommended 11-1 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			

DENIAL of a request to rezone from "M-1" Light Industrial District to "M-2" Heavy Industrial District. (ZON2013-00157)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown Support Commercial.

Part B) Staff recommends denial of an amendment to the Des Moines' 2020 Community Character Plan future land use designation from Downtown Support Commercial to General Industrial.

Part C) Staff recommends denial of the requested rezoning to remove the "D-O" Downtown Overlay District designation.

Part D) Staff recommends denial of the request to rezone from "M-1" Light Industrial District to "M-2" Heavy Industrial District.

Written Responses

- 5 In Favor
- 0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow use of the property for a beverage container recycling operation. Such a recycling operation requires an "M-2" Heavy Industrial District zoning designation, regardless of whether all operations are conducted within a fully-enclosed structure. The submitted site sketch indicates that the southwestern portion of the existing structure would be removed and replaced with a parking lot and loading docks.

The applicant has also requested that the "D-O" Downtown Overlay District be removed from the property so that future site improvements are not subject to its design guidelines.

If the rezoning is denied by City Council, the applicant could apply to the Zoning Board of Adjustment for a Use Variance within 12 months of the denial of the rezoning.

2. **Size of Site:** 300 feet by 280 feet (84,000 square feet or 1.93 acres).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "D-O" Downtown Overlay District, and "GGP" Gambling Games Prohibition District.

4. **Existing Land Use (site):** The site includes a 65,438-square foot building that is built for warehouse and office uses.

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

North – “M-1”; Uses include an east/west Burlington Northern Santa Fe railroad line and undeveloped land.

South – “R-2A”; Uses include a single-family dwelling and a parking lot.

East – “M-2”; Uses include Bitumous Material and Supply with multiple above-ground storage tanks.

West – “M-1” & “M-2”; Uses are warehouse and office.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area known as the Market District, which includes a mix of industrial, commercial, and residential uses. The site is located one block north of East Martin Luther King, Jr. Parkway.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on September 13, 2013 and a Final Agenda on September 27, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on September 13, 2013 (20 days prior to the public hearing) and on September 23, 2013 (10 days prior to the public hearing) to the Historic East Village 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 Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

Staff has not been able to confirm with the applicant whether they have held their required neighborhood meeting. The applicant must provide a summary of that meeting at the public hearing.

8. **Relevant Zoning History:** On May 23, 2006, the City Council passed Ordinance No. 14,451, which included the subject property in a city-wide rezoning of multiple properties from “M-2” Heavy Industrial District to “M-1” Light Industrial District.

The “D-O” Downtown Overlay District designation was added November 7, 2011 by Ordinance No. 15,060.

9. **2020 Community Character Land Use Plan Designation:** The Des Moines’ 2020 Community Character Plan future land use plan designates the site as Downtown Support Commercial. The requested rezoning to “M-2” Heavy Industrial District would require the designation be amended to “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. 2020 Community Character Land Use Plan:** The Des Moines' 2020 Community Character Plan currently designates the property as Commercial: Downtown Support Commercial, which is described as an area for "general businesses, retail and service establishments, limited high density residential, mixed use developments, and work centers that support the downtown core providing their own off-street parking". The proposed "M-2" Heavy Industrial District would require the Des Moines' 2020 Community Character Plan to be amended to revise the future land use designation for the property to General Industrial.

In May 2010, the City Council received and filed the "Market District of East Village Urban Design Study, as a guide for future development and redevelopment within the area bounded by East/Southeast 7th Street on the east, Scott Avenue on the south, the Des Moines River on the west, and East Walnut Street on the north. The study calls for creating a vibrant pedestrian-oriented mixed-use area by preserving the existing structures and building new residential and commercial structures. While the subject property is located one block to the east of this study area, staff anticipates the revitalization will extend beyond the initial study boundaries given the easterly extension of East Martin Luther King, Jr. Parkway (Southeast Connector).

Rezoning this property to "M-2" District would intensify the industrial use of the property. Staff is concerned that allowing a heavy industrial use, such a recycling business, could create a nuisance for surrounding properties with regard to noise, parking, trash, and truck traffic, and would be a hindrance to the implementation of the Market District Plan.

- 2. Permit & Development Center Comments:** Any renovation of the building must be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.

Any change in use of the property must conform to the City's site plan requirements, including those regarding stormwater management and landscaping.

Any trash enclosure on the site must conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

- 3. "D-O" Downtown Overlay District Design Guidelines:** The applicant has requested that the "D-O" Downtown Overlay District be removed from this property so that future site improvements are not subject to its design guidelines. Staff does recommend that the overlay district be lifted, as they are reasonably necessary to ensure any future redevelopment of the site is compatible with surrounding properties and foster the mixed-use character of the surrounding area.

