

Date May 5, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF ST INVESTMENTS, LLC TO REZONE PROPERTY IN THE VICINITY OF 200 SE 6TH STREET FROM A LIMITED "C-3B" CENTRAL BUSINESS MIXED-USE DISTRICT TO A LIMITED "C-3" CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on April 21, 2014, by Roll Call No. 14-0617, it was duly resolved by the City Council that the application of ST Investments, LLC, to rezone certain property it owns in the vicinity of 200 SE 6th Street, more fully described below, be set down for hearing on May 5, 2014, 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 April 25, 2014, 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 following described property:

The North 136.5 feet of the South 273 feet of Market Square in TOWN OF DE MOINE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the Limited "C-3B" Central Business Mixed-Use District to a Limited "C-3" Central Business District Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- (1) Only the following uses of land and structures shall be permitted upon the Property:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. All uses permitted in and as limited in the "C-3B" District, except the following uses which are prohibited:
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.

(continued)

Date May 5, 2014

- iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, including but not limited to delayed deposit service businesses.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Liquor stores, also known as freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawn broker businesses.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
- (2) Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” and Downtown Overlay Districts.
 - (3) The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
 - (4) The density of any future residential development shall be established in the site plan review process.
 - (5) Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
 - (6) Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines for multiple-family residential use.
 - (7) In the event the adjoining segment of vacated Market Street is improved and dedicated as a public street, the owner of the Property shall be responsible for installing the parking plantings and perimeter landscaping along that segment of Market Street in conformance with the site plan standards.

(continued)



Roll Call Number

Agenda Item Number

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Date May 5, 2014

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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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-3" District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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.

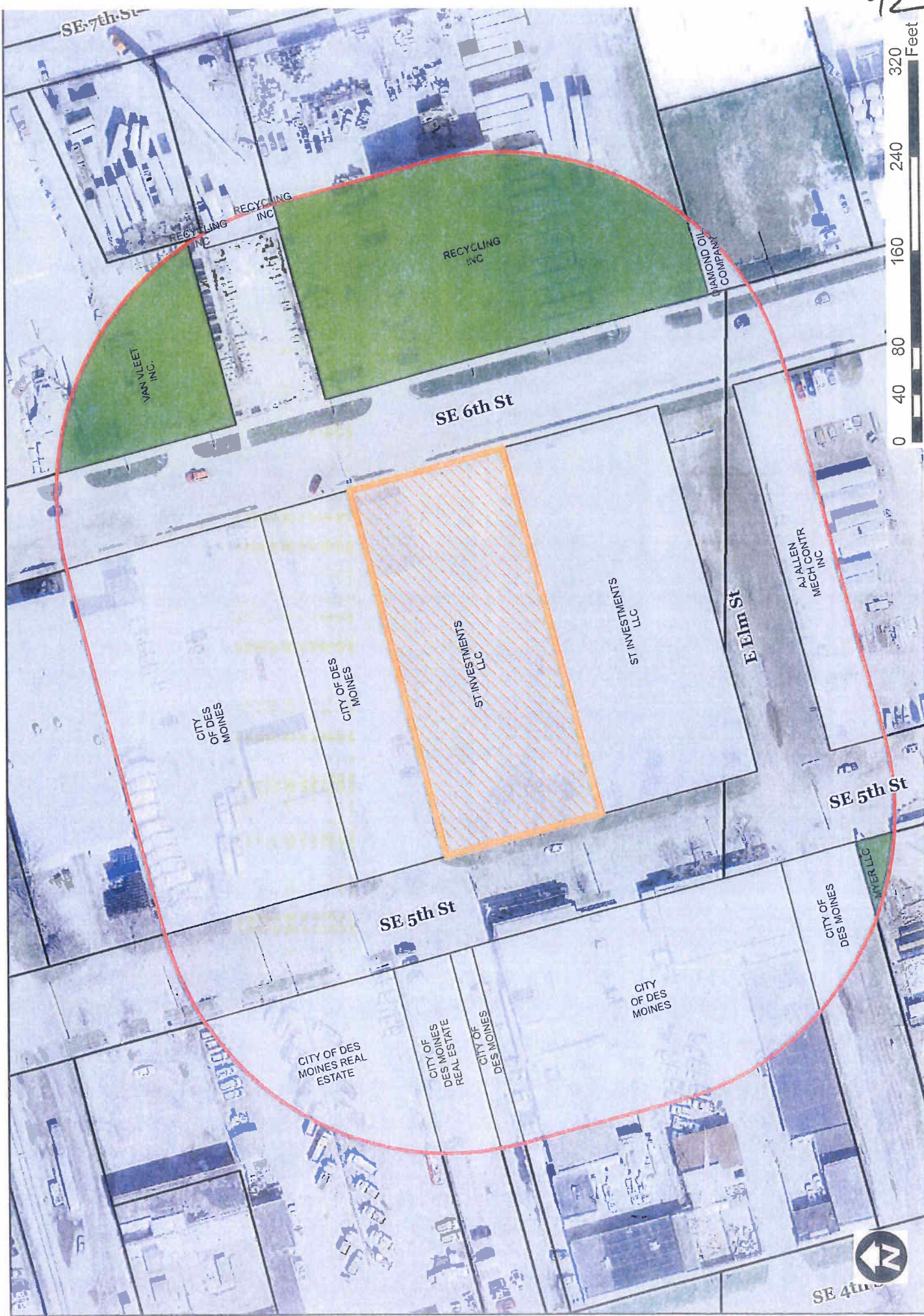
MOTION CARRIED APPROVED

Mayor

City Clerk

ZON2014-00039

ST Investments, LLC, 200 SE 6th Street



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April 15, 2014

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 April 3, 2014, the following action was taken regarding a request from. ST Investments, LLC (owner) represented by Tom Howard (officer) to rezone property located at 200 Southeast 6th Street from Limited "C-3B" Central Business District Commercial District to Limited "C-3" Central Business Mixed-Use District.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	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 of staff recommendation to find the proposed rezoning in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial and Approval of staff recommendation to rezone the property to a Limited "C-3" District, subject to the following conditions: (ZON2014-00039)

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.

- b. As use as permitted in the "C-3B" District, except the following
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawnshops.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
4. The density of any future residential development shall be dependent upon Site Plan review.
5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
7. Any future redevelopment of the site in a manner that utilizes East Market Street would require the developer to be responsible for the costs associated with improvements within the adjoining public right-of-way.

And approval of the Site Plan under Design Guidelines for Vehicle Display Lots subject to the following conditions:

1. Compliance with all requirements of the City's Permit and Development Center.
2. The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.

3. The Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display.
4. The Site Plan must state that all drive aisles, parking spaces, and display areas will be clearly delineated in the field.
5. The design of the building shall be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.
6. The Site Plan shall comply with the City's Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
7. A 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an "urban edge".
8. All pole mounted lighting in the parking lot be a maximum of 20 feet in height.
9. All private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial.

Part B) Staff recommends the subject property be rezoned to a Limited "C-3" District, subject to the following conditions:

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. As use as permitted in the "C-3B" District, except the following
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawnshops.
 - viii. Printing, publishing houses and lithographing shops.

- ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.
2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” and Downtown Overlay Districts.
 3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
 4. The density of any future residential development shall be dependent upon Site Plan review.
 5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
 6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
 7. Any future redevelopment of the site in a manner that utilizes East Market Street would require the developer to be responsible for the costs associated with improvements within the adjoining public right-of-way.

Part C) Staff recommends approval of the Site Plan under Design Guidelines for Vehicle Display Lots subject to the following conditions:

1. Compliance with all requirements of the City’s Permit and Development Center.
2. The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.
3. The Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display.
4. The Site Plan must state that all drive aisles, parking spaces, and display areas will be clearly delineated in the field.
5. The design of the building shall be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.

6. The Site Plan shall comply with the City's Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
7. A 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an "urban edge".
8. All pole mounted lighting in the parking lot be a maximum of 20 feet in height.
9. All private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning and Site Plan would allow development of the property for a rental car display lot for Enterprise Rent-A-Car. The proposed use would utilize the existing structure and expand the existing paved off-street parking lot.

In 2013, the subject property was rezoned from "M-1" Light Industrial District to Limited "C-3B" Central Business Mixed Use District classification to allow a multiple-family residential development upon the site. The development proposed at that time never materialized and the property owner is now considering the rental car display lot use. The "C-3B" District prohibits display lots, which is why the applicant is seeking a rezoning to "C-3" Central Business District Commercial District.

The subject property is located in an area between the East Village and the East Martin Luther King, Jr. Parkway, which is commonly referred to as the Market District. This area currently contains a mix of industrial and commercial uses, including the City of Des Moines' Public Works facility, Alter scrap metal processing, and Recycling, Inc. It is expected that, over time, this area will convert to a mix of office, retail and residential uses pursuant to the Market District of East Village Urban Design Plan.

Therefore, staff recommends that any rezoning to "C-3" District include a condition that development upon the property be in accordance with the "C-3B" Design Guidelines, which are intended to establish a lively pedestrian-scaled, urban setting and assure that redevelopment is pedestrian-oriented and compatible with a mixed-use neighborhood.

- 2. Relevant Zoning History:** On February 11, 2013, the City Council adopted Ordinance 15,166 to rezone the subject property and the property adjacent to the south at 220 Southeast 6th Street from “M-1” Light Industrial District to Limited “C-3B” Central Business Mixed Use District classification, subject to the following conditions:
- (1) The following uses shall be prohibited:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
 - (2) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
 - (3) The density of any residential development shall be dependent upon Site Plan review.
 - (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
 - (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.
 - (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.
 - (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.
- 3. Size of Site:** 43,407 square feet (0.99 acres).
- 4. Existing Zoning (site):** Limited “C-3B” Central Business Mixed Use District, “DO” Downtown Overlay District, “CDO” Capitol Dominance Overlay District, and “GGP” Gambling Games Prohibition District..
- 5. Existing Land Use (site):** The parcels contains a 2,400-square foot commercial building and a paved off-street parking lot that generally measures 60 feet by 75 feet (4,500 square feet). The balance of the site is undeveloped.

6. Adjacent Land Use and Zoning:

North – “M-1”; Uses are vacated East Market Street right-of-way now used as parking for the City’s Public Works Department and a fueling station for the City’s vehicles.

South – “C-3B”; Use is an undeveloped parcel (220 Southeast 6th Street).

East – “M-2”; Uses include recently improved Southeast 6th Street and Recycling Inc’s office and industrial facility.

West – “M-1”; Uses are Southeast 5th Street and the City’s Public Works’ Public Works facility.

7. General Neighborhood/Area Land Uses: The surrounding area generally contains a mix of industrial and commercial uses.

8. Applicable Recognized Neighborhood(s): The subject property is located in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 14, 2014. A Final Agenda was mailed to the neighborhood association on March 28, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on March 14, 2014 (20 days prior to the hearing) and March 24, 2014 (10 days prior to the 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.

The applicant held their required neighborhood meeting on February 17, 2014 and can provide a summary of this meeting at the public hearing. The Historic East Village Neighborhood Association has submitted a letter in support of this request.

9. 2020 Community Character Land Use Plan Designation: Downtown Support Commercial.

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.

In acting upon any Site Plan application that includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the Plan and Zoning Commission shall apply the design standards in section 82-213 and

the additional standards listed below. The decision to approve, approve subject to conditions or disapprove a proposed Site Plan must be based upon the conformance of the Site Plan with the design standards:

- 1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.

The subject property is located in an area that includes a mix of commercial and industrial uses. There are no residential uses within close proximity.

- 2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the Landscape Standards in the adopted Site Plan policies.

The Site Plan demonstrates a mix of plantings around the perimeter of the parking lot and within landscape islands. It also indicates that there would be 27,792 square feet of open space, which represents 64% of the site.

- 3) Any portion of the property to be used for outside storage, display or parking of vehicles shall:

- a) Contain at least one-half acre of land.

The overall site contains 0.99 acre.

- b) Conform to the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted Site Plan policies.

The Site Plan must provide parking lot perimeter plantings of one (1) overstory tree and ten (10) shrubs per 40 lineal feet of paved parking area. There is 66 lineal feet along Southeast 6th Street

- c) Be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area.

The Site Plan states that the parking lot will be paved with asphalt and Portland Cement Concrete. It also demonstrates two (2) rain gardens along the west edge of the parking lot. The Site Plan must be revised to demonstrate that it meets the City's stormwater management requirements.

- d) Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers that can be readily moved are not acceptable.

The Site Plan demonstrates a curb around the perimeter of the parking lot.

- 4) There shall be no elevated display of motor vehicles in any required front yard.

The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.

- 5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

The Site Plan demonstrates a total of 33 off-street parking spaces. While no off-street parking is required within the "C-3" District, the Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display. The Site Plan must state that all spaces will be clearly delineated in the field.

- 6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the Site Plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

The Site Plan must include a provision stating that the drive aisles and display areas will be clearly delineated in the field.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Permitted Uses:** Staff recommends that the permitted uses of the property be limited to a) display lot for rental vehicles with associated minor automotive repair, and b) any use as permitted in the "C-3B" District, except assembly and packaging of small components from previously prepared materials within a fully enclosed building, auction businesses, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, retail and wholesale lumberyards, machine shops, freestanding package goods stores for the sale of alcoholic beverages, pawnshops, printing and publishing houses, plumbing and heating shops, miniwarehouse uses, freestanding taverns and night clubs, and warehousing.

The following is the list of uses otherwise permitted in the "C-3B" District:

Sec. 134-1006. Principal permitted uses.

Only the uses of structures or land similar to those that follow shall be permitted in the C-3B Central Business Mixed Use District:

(1) Any use permitted in and as limited in the C-2 district except the following uses which are prohibited:

- a. *Automobile, trailer, motorcycle, boat, and farm implement establishments for display, rental, and sales (including sales lots).*
- b. *Mobile home parks.*
- c. *Vehicle display lots.*
- d. *Garage for general motor vehicle that includes major body and fender work or overall painting.*
- e. *Automobile washing establishments unless all bays are normally enclosed and an attendant is on duty during all hours of operation.*
- f. *Adult entertainment business.*
- g. *Monument sales yards.*
- h. *Sheet metal shops.*
- i. *Sign painting shops.*

- j. *Off-premises advertising signs.*
- (2) *Assembly and packaging of small components from previously prepared materials within a fully enclosed building.*
- (3) *Manufacture or treatment of products within a fully enclosed building incidental to the conduct of a retail business carried out on the premises.*
- (4) *Printing and publishing houses.*
- (5) *Warehousing.*
- (6) *Machine shops.*
- (7) *Retail lumberyards.*
- (8) *Electrical substations and gas regulator facilities upon land held by the utility for that purpose on the date the land was placed within the C-3B District. Any new electrical substation or gas regulator facility, or expansion thereof, upon land not held by the utility for that purpose when the land was placed within the C-3B District, may be allowed only by special permit under the provisions of section 134-1326.*
- (9) *Combinations of the uses in subsections (1) through (8) of this section.*

2. “C-3B” District Design Guidelines: Staff recommends that any rezoning of the site to “C-3” District be on the condition that any development of the site shall be in accordance with the following “C-3B” Design Guidelines:

- (a) The design guidelines within the C-3B central business mixed-use district are intended to establish a lively pedestrian-scaled, urban setting. These guidelines are intended to work with the C-3B central business mixed-used district regulations in chapter 134 to assure that redevelopment is pedestrian-oriented and compatible with the new mixed-use neighborhoods.
- (b) In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in this section. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.
 - (1) **Building Heights.** Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

The submitted Site Plan does not propose any modifications to the height of the existing one-story building.

- (2) **Riverfront setbacks.** Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.

Not applicable.

- (3) Lighting. All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

Staff recommends that all pole mounted lighting in the parking lot be a maximum of 20 feet in height. Staff also recommends that all private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

- (4) Residential building standards. New residential buildings should also comply with the following guidelines:
- a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
 - b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.
 - c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
 - d. Buildings should have a maximum setback of 15 feet from the public right-of-way.
 - e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

Not applicable.

- (5) Commercial building standards. New commercial buildings should also comply with the following guidelines:
- a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
 - b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
 - c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
 - d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
 - e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

The Site Plan does not propose any changes to the dimensions of the building, which is setback 25 feet from the front property line along Southeast 6th Street. However, it does demonstrate significant façade improvements to the building, including a cultured stone wainscot and a brick element at the southeast corner of the building. The balance of the building would be sided with painted cement board panels.

Staff believes that the design of the building should be modified to include a

primary entrance oriented towards Southeast 6th Street.

- (6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

The Site Plan does not allow for any outdoor storage. It indicates that refuse collection containers and dumpsters would be within an enclosure constructed with masonry walls and steels gate located toward the middle of the site.

- (7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards. (See Site Plan Landscape Policies)

The Site Plan demonstrates that the perimeter of the site would be landscaped with a mix of overstory trees, ornamental trees, and shrubs.

- (8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

The proposed elevations demonstrate an overhead garage door on the south side façade of the building.

- 3. Downtown Overlay District Design Guidelines:** The site is within the Downtown Overlay District. In acting upon any future site plan application for the site, the Plan and Zoning Commission shall apply the following design guidelines: *(A Site Plan has not been submitted for consideration at this time.)*
- (a) Intent. The design guidelines within the downtown overlay district are intended to support, enhance and protect pedestrian corridors as designated and approved by city council resolution on file in the office of the city clerk in accordance with the "What's Next Downtown Plan," adopted by the city council by R.C. 08-432 on March 10, 2008.
- (b) Scope. In acting upon any site plan application for development of property located within the downtown overlay district, the community development director (or plan and zoning commission if applicable) shall apply the regulations in section 82-213 of this article and the design guidelines in this section except as to those site plan applications for development of property located in the R1-60 and R-HD zoning districts within the downtown overlay district. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor

area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

(c) Guidelines. Subject to the exceptions stated in subsection (b), above, any site plan application which includes improvements to property in the downtown overlay district shall conform to the design regulations in section 82-213 and the following additional guidelines:

(1) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

The subject property is located within the Market District. In order to blend with the intended pedestrian-nature of the area, staff recommends that the design of the building should be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.

(2) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The Site Plan demonstrates rain gardens along the west edge of the parking lot.

(3) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

The Site Plan demonstrates a sidewalk along Southeast 6th Street to accommodate pedestrian circulation.

(4) The incorporation of 'soft (green) spaces' on site is encouraged.

The Site Plan demonstrates landscaping would be provided around the perimeter of the site and within landscape islands. Staff recommends that a 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an "urban edge".

(5) Where feasible, projects should provide outdoor spaces for people gathering.

Not applicable.

(6) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

The Site Plan must include a bike rack.

- (7) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

No modifications are proposed to the height of the existing one-story building.

- (8) Bulk standards, building setbacks, orientation, frontage and residential access:

- a. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

Not applicable.

- b. All buildings without river frontage should have entrances oriented toward primary street(s).

Staff recommends that the design of the building should be modified to include a primary entrance oriented towards Southeast 6th Street.

- c. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

The Site Plan does not propose modifications to the footprint of the existing building, which is setback 25 feet from the front property line.

- d. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

The Site Plan does not propose modifications to the footprint of the existing building, which is setback 25 feet from the front property line.

- e. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

Not applicable.

- f. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

Not applicable.

- (9) Storage of all materials and equipment should take place within completely enclosed buildings.

The Site Plan does not propose outdoor storage.

- (10) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

The Site Plan indicates that refuse collection containers and dumpsters would be within an enclosure constructed with masonry walls and steels gate located toward the middle of the site.

- (11) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

The Landscape Standards for the "C-3" District require one overstory tree and 10 shrubs per 40 lineal feet. Therefore, an additional 10 shrubs are required along Southeast 6th Street.

- (12) Access doors for any warehouse use and any loading docks should not front on any public street.

The proposed elevations demonstrate an overhead garage door on the south side façade of the building.

- (13) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

Not applicable.

- (14) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

Not applicable.

- (15) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

The Site Plan utilizes the existing curb cut along Southeast 6th Street.

- (16) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

Not applicable.

- (17) Auto-dominant uses as described in subsection (c)14, above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

The Site Plan proposes to utilize an existing single-tenant building.

- (18) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

Not applicable.

- 4. Street Network:** The site is bounded by vacated East Market Street to the north. In accordance with the Market District of East Village Urban Design Study, East Market Street may be rededicated as right-of-way in the future and reconstructed to urban standards. Should the site be redeveloped in the future in a manner that utilizes East Market Street, the developer would be responsible for the costs associated with improvements within the adjoining public right-of-ways.
- 5. Landscape Standards:** The Site Plan shall comply with the City's Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
- 6. Parking & Access:** No off-street parking is required for any use in the "C-3" Central Business District Commercial District. Any off-street parking that is provided shall comply with City Code Section 134-1377 and the site plan regulations. Spaces for off-street loading shall be provided in accordance with the provisions of City Code Section 134-1376.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Mike Ludwig stated that he believes the applicant had opposition to adding new entrance facing the street and having class A sidewalk and street trees.

Jason Van Essen stated yes.

Dane Wright with Wright Construction 1025 Woodland Drive Carlisle stated that he is the general contractor for Enterprise Rent-A-Car also he is buying the property as soon as everything is approved. The plan is to redo the building and landscape it. The concern that was brought up by East Village Neighborhood is the irrigation of plants because the plants that were planted on Locust died. Therefore, they plan to install an irrigation system to keep the plants looking good. There is no opposition by Enterprise Rent-A-Car to change the door location so they are in agreement with staff recommendation.

Mike Ludwig stated they would not have to eliminate the door on the south elevation. Staff is saying to add an entrance door where the window is on the east elevation.

Dane Wright stated that they might look at it both ways because it might be kind of nice to have a door on that south location too because the majority of people will park and come from that location.

JoAnne Corigliano asked about the urban edge.

Dane Wright stated they did have a question about the driveway on the closed street along the north. If that closed street does open up can they get access to that street.

Jason Van Essen stated they would need to amend their site plan.

JoAnne Corigliano stated that if that street were to be open the applicant could put their fence along that street also.

Dane Wright stated they are going to put the fence up now and if the street opens up it will look good.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition to the applicant's request.

COMMISSION ACTION:

Christine Pardee moved approval of staff recommendation and Dory Briles seconded that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial; and Approval for the subject property to be rezoned to a Limited "C-3" District, subject to the following conditions:

1. Permitted uses of the property shall be as follows:
 - a. Display lot for rental vehicles and minor automotive repair.
 - b. As use as permitted in the "C-3B" District, except the following
 - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - ii. Auction businesses.
 - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - iv. Lumberyards, retail and wholesale.
 - v. Machine shops.
 - vi. Freestanding package goods stores for the sale of alcoholic beverages.
 - vii. Pawnshops.
 - viii. Printing, publishing houses and lithographing shops.
 - ix. Plumbing and heating shops.
 - x. Miniwarehouse uses.
 - xi. Freestanding taverns and night clubs.
 - xii. Warehousing.

2. Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” and Downtown Overlay Districts.
3. The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
4. The density of any future residential development shall be dependent upon Site Plan review.
5. Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
6. Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
7. Any future redevelopment of the site in a manner that utilizes East Market Street would require the developer to be responsible for the costs associated with improvements within the adjoining public right-of-way.

And Approval of the Site Plan under Design Guidelines for Vehicle Display Lots subject to the following conditions:

1. Compliance with all requirements of the City’s Permit and Development Center.
2. The Site Plan must include a provision stating there shall be no elevated display of motor vehicles.
3. The Site Plan must demonstrate which spaces will be for employees and customers and which spaces would be for vehicle display.
4. The Site Plan must state that all drive aisles, parking spaces, and display areas will be clearly delineated in the field.
5. The design of the building shall be modified to include a primary entrance oriented towards Southeast 6th Street, with a direct pedestrian connection from Southeast 6th Street to the entrance. This would likely require the located of the proposed monument sign to be shifted.
6. The Site Plan shall comply with the City’s Landscape Standards. This includes provision of parkway plantings of one (1) overstory deciduous tree per 30 lineal feet to be located within a 5-foot by 10-foot planter bed located 1 foot back from the curb, with a 6-foot wide sidewalk. This may require a portion of the improved sidewalk to be located on to private property, requiring a public access easement.
7. A 4-foot tall architectural fence be provided along the east and north sides of the parking lot in order to provide an “urban edge”.

- 8. All pole mounted lighting in the parking lot be a maximum of 20 feet in height.
- 9. All private light poles and pole mounted light fixtures be similar in style to a black KIM archetype light fixture.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

ST Investments, LLC (owner) represented by Tom Howard (officer) for property located at 200 Southeast 6th Street.			File # ZON2014-00039		
Description of Action	Approval of a request to rezone from Limited "C-3B" Central Business District Commercial District to Limited "C-3" Central Business Mixed-Use District subject to conditions to allow a rental car display lot use.				
2020 Community Character Plan	Downtown: Support Commercial (current & no change proposed).				
Horizon 2035 Transportation Plan	No planned improvements.				
Current Zoning District	Limited "C-3B" Central Business Mixed-Use District.				
Proposed Zoning District	Limited "C-3" Central Business District Commercial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	0			
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

ST Investments, LLC, 200 SE 6th Street

ZON2014-00039



Item ZON2014-00039

Date

3-24-14

42

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

RECEIVED
COMMUNITY DEVELOPMENT

MAR 31 2014

DEPARTMENT

Print Name

Signature

Address

Teresa VanHeet
[Signature]
1108 E. 7th St
San Marcos, CA

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

Item ZON2014-00039

Date 3-25-14

42

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

RECEIVED
COMMUNITY DEVELOPMENT
(Circle One)

MAR 28 2014

Print Name DAVID SILVERSTEIN

Signature David Silverstein

DEPARTMENT

Address 306 SE 5TH ST.

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

Item ZON2014-00039

Date 3-27-14

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

RECEIVED
COMMUNITY DEVELOPMENT
(Circle One)

APR 02

Print Name TOM MIHALOVICH

Signature [Signature]

DEPARTMENT

Address 201 SE 6TH ST.

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

www.EastVillageDesMoines.com



Post Office Box 1782
Des Moines, Iowa 50305

Mission: to lead the preservation, support and development of the East Village Community

March 19, 2014

Mr. Rick Clark
City Manager's Office
Des Moines City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309

Dear Mr. Clark:

I am writing on behalf of the Historic East Village Neighborhood Association to express our support for the proposed relocation of Enterprise Rent-A-Car from 217 East Locust Street to 200 East 6th Street.

Dane Wright and Lon Sinclair recently presented to our Board, and shared the proposed site plan and building elevation. Based on that presentation, we are comfortable the project will be handled in a manner consistent with the interests of the Historic East Village. We were encouraged to hear the proposed site may include irrigation to help maintain trees and landscaping. That would be a significant improvement over the current Enterprise location.

Thank you for considering our views on the proposed relocation. If you wish, we would be happy to discuss the matter further.

Sincerely,

Mark Tezak
Vice President, Historic East Village Neighborhood Association

Cc: Josh Garrett, President, Historic East Village Neighborhood Association
Joe Gatto, Ward IV Council Member, Des Moines City Council
Lon Sinclair, Sinclair Architects