



Date June 14, 2021 - Reconvened on June 16, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM UNIVERSITY AVENUE STORAGE, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1960 CLAYPOOL STREET

WHEREAS, on May 24, 2021, by Roll Call No. 21-0775, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 6, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from University Avenue Storage, LLC (owner), represented by Will Matthews (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1960 Claypool Street (“Property”) from Business Park to Industrial, to allow rezoning to I1 Industrial District and redevelopment of the Property with expansion of the existing self-service storage located on adjacent properties; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 6, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from University Avenue Storage, LLC (owner), represented by Will Matthews (officer), to rezone the Property from RX1 Mixed Use District to I1 Industrial District for the above-stated purpose; and

WHEREAS, on May 24, 2021, by Roll Call No. 21-0775, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on June 14, 2021 at 5:00 P.M., in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 Property locally known as 1960 Claypool Street, legally described as:

LOT 14 IN BLOCK 6 IN SUNNYSIDE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from RX1 Mixed Use District to I1 Industrial District for redevelopment of the Property with expansion of the existing self-service storage located on adjacent properties.



Roll Call Number

Agenda Item Number

74

Date June 14, 2021

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to PlanDSM and proposed rezoning of the Property to I1 Industrial District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to I1 Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(21-2021-4.11)
(ZON2021-00034)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, P. KAY CMELIK, 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



May 18, 2021

Date 6/14/21
 Agenda Item 74
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 6, 2021 meeting, the following action was taken regarding a request from University Avenue Storage, LLC (owner) represented by Will Matthews (officer) to rezone property located at 1960 Claypool Street from "RX1" Mixed Use District to "I1" Industrial District, to allow redevelopment of the property with Self-Service Storage.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb				X

APPROVAL of Part A) The proposed rezoning to "I1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park.

Part B) Amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial.

Part C) Approval of rezoning the subject property from "RX1" Mixed Use District to "I1" Industrial District. (ZON2021-00034)

Written Responses

1 in Favor
2 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to "I1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park.

Part B) Staff recommends amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial.

Part C) Staff recommends approval of rezoning the subject property from "RX1" Mixed Use District to "I1" Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is owned in common with adjacent property to the east and at 1901 East University Avenue to the north. The proposed rezoning and land use amendment would facilitate the expansion of the existing self-service storage located on the adjacent properties. This use is not allowed in the "RX1" District and is not compatible with the Business Park land use classification. The proposed expansion would require a site plan and building elevations to be submitted for review and approval pursuant to the Planning and Design Ordinance.
2. **Size of Site:** 0.140 acres.
3. **Existing Zoning (site):** "RX1" Mixed Use District.
4. **Existing Land Use (site):** The subject property is undeveloped.
5. **Adjacent Land Use and Zoning:**
 - North** – "RX1"; Uses are one-household dwelling units.
 - South** – "RX1"; Use is auto repair shop.
 - East** – "I1"; Use is undeveloped land.
 - West** – "RX1"; Uses are one-household dwelling units.
6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Claypool Street and Hubbell Avenue. The area contains a mix of commercial, industrial, and residential uses to the west of a north/south railroad.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Capitol East Neighborhood and within 250 feet of the Martin Luther King, Jr. Park Neighborhood, the Fairground Neighborhood, and the ACCENT Neighborhood. The neighborhood associations were notified of the April 15, 2021 public hearing by mailing of the Preliminary Agenda on March 26, 2021 and by mailing of the Final Agenda on April 9, 2021. Additionally, separate notifications of the April 15, 2021 hearing for this specific item were mailed on March 26, 2021 (20 days prior to the public hearing) and on April 5, 2021 (10 days prior to the public hearing) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The neighborhood associations were notified of the May 6, 2021 public hearing by mailing of the Preliminary Agenda on April 16, 2021 and by mailing of the Final Agenda on April 30, 2021.

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 on the date of the mailing. The Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316. The Martin Luther King, Jr. Park Neighborhood Association notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Fairground Neighborhood Association notices were mailed to Laura Mundy, P.O. Box 473, Pleasant Hill, IA 50327. The ACCENT Neighborhood Association notices were mailed to Kevin Scott Marken, 2109 East 28th Street, Des Moines, IA 50317.

The applicant is required to do neighborhood outreach as part of the rezoning process. They will be available to provide a summary of that neighborhood outreach at the public hearing.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as "Business Park" on the Future Land Use Map. PlanDSM describes this designation as follows:

Business Park: Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable

influences, and would have little or no adverse effect on surrounding properties.

The applicant is proposing to rezone the property from "RX1" District to "I1" District. The Zoning Ordinance states that "RX1 is intended for transitional areas between "MX" districts and "N" districts, providing for residential and office buildings at a scale and intensity appropriate for corridor's adjacent to low-scale neighborhoods." Building types allowed in this district include Commercial Cottage, General Building, Civic Building, Principal-Use Parking Structure, Flat Building, and Row Building."

The proposed "I1" District zoning requires the "Industrial" designation on the Future Land Use Map. PlanDSM describes this designation as follows:

Industrial: Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

The Zoning Ordinance states that "I1 is intended for general industrial uses, warehousing, and transportation terminal." Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure."

- 2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for review before the property can be occupied by the proposed use.

In addition to typical Workshop Building, landscaping and parking design standards, any development that includes self-storage units would have to comply with the following requirements from Section 135-2.9.3.E.3.

- a. A minimum of 10 feet of separation between buildings.
- b. A maximum building height of 25 feet.
- c. A maximum building length or depth of 150 feet.
- d. All siding materials within four feet of grade shall consist of brick, concrete masonry units, concrete surfaces or stone as defined as Major Facade Materials in section 135-3.2.2 of this chapter.
- e. The doors to individual units or to common loading areas shall not face a public street, primary frontage or N district.
- f. All units shall be located within a fenced and gated compound.
- g. All fencing shall be wrought iron or tubular steel construction painted earth tones or black to complement the buildings. All fencing shall be supported by masonry pillars that generally match the siding materials of the building(s).
- h. All fencing shall be supported by masonry pillars that generally match the siding materials of the building(s).

- 3. Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of:

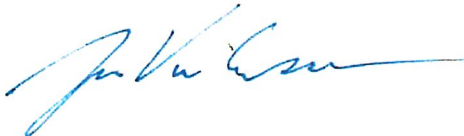
Part A) The proposed rezoning to "I1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park.

Part B) Amending the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial.

Part C) Approval of rezoning the subject property from "RX1" Mixed Use District to "I1" Industrial District.

Motion passed: 12-0

Respectfully submitted,



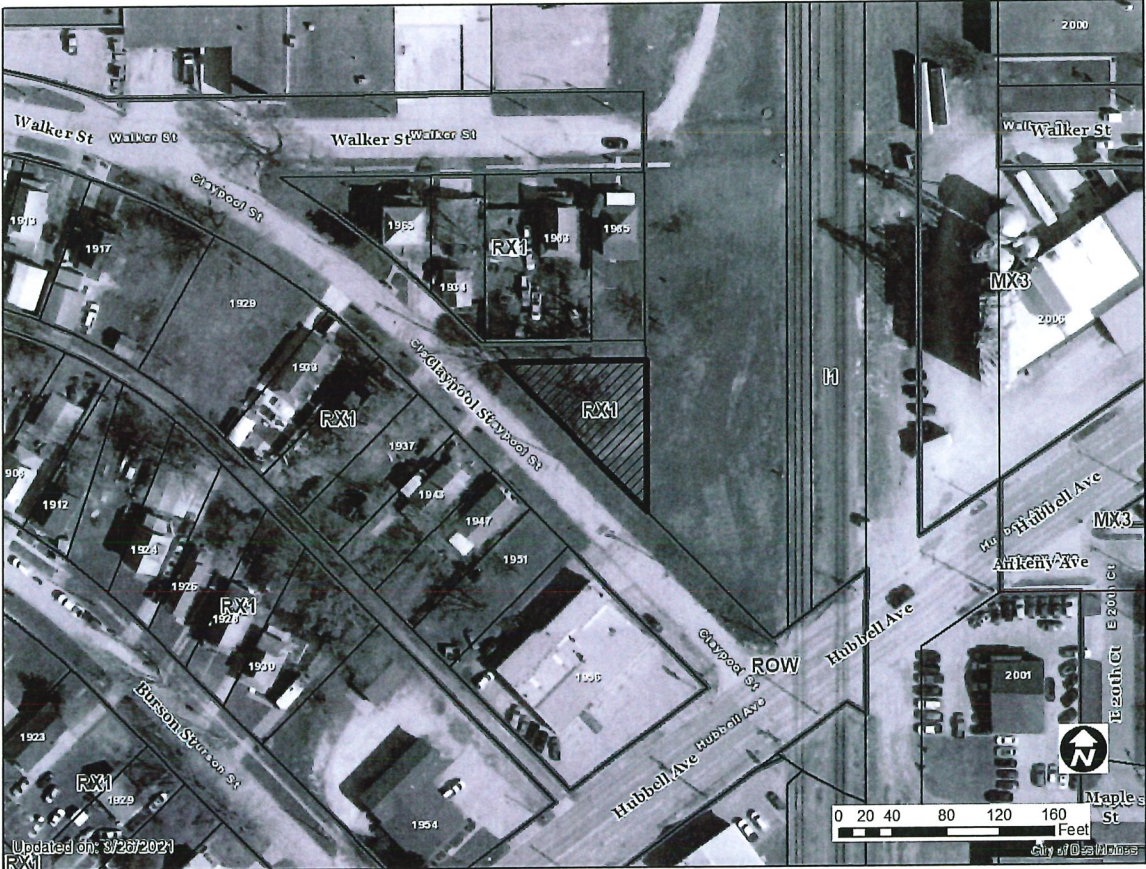
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from University Avenue Storage, LLC (owner) represented by Will Matthews (officer) for the property located at 1960 Claypool Street.				File # 21-2021-4.11	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial.				
PlanDSM Future Land Use	Current: Business Park. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"RX1" Mixed Use District.				
Proposed Zoning District	"I1" Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

University Avenue Storage, LLC, 1960 Claypool Street

21-2021-4.11

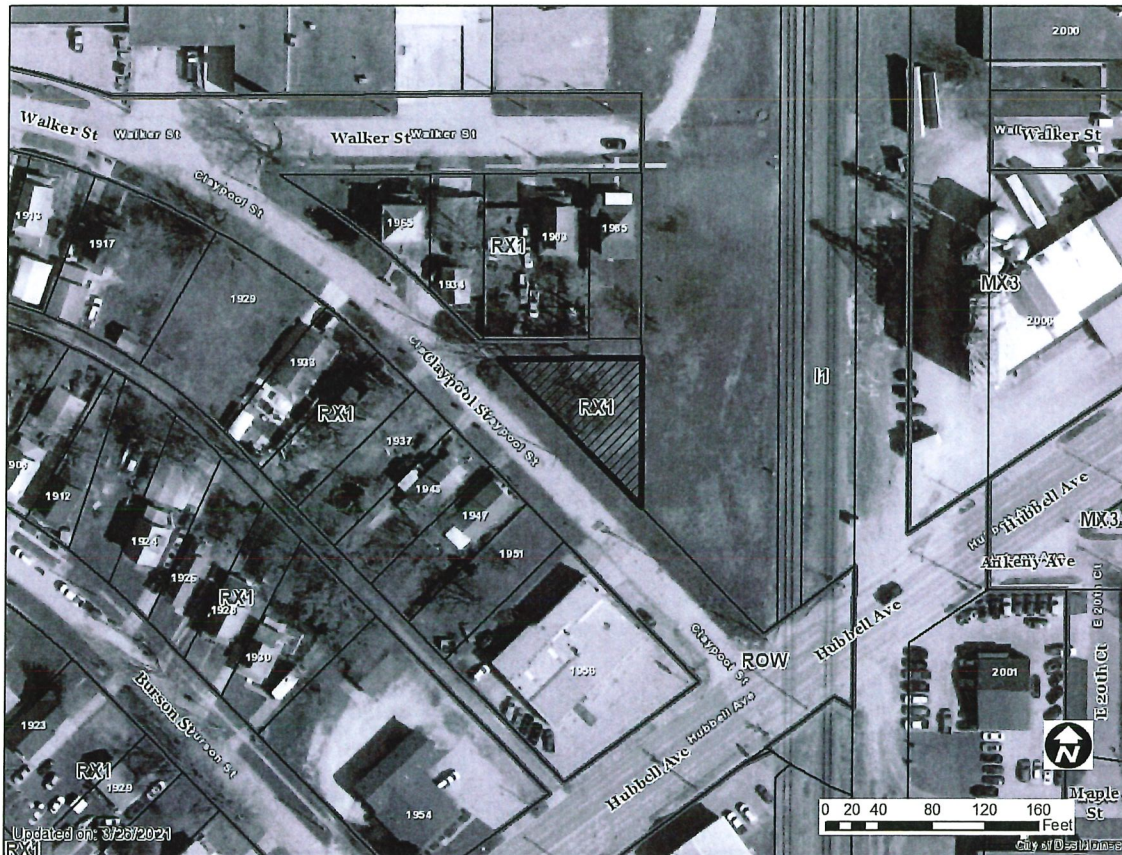


1 inch = 85 feet

Request from University Avenue Storage, LLC (owner) represented by Will Matthews (officer) for the property located at 1960 Claypool Street.				File # ZON2021-00034	
Description of Action	Rezone property from "RX1" Mixed Use District to "I1" Industrial District, to allow redevelopment of the property with Self-Service Storage.				
PlanDSM Future Land Use	Current: Business Park. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"RX1" Mixed Use District.				
Proposed Zoning District	"I1" Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	2			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

University Avenue Storage, LLC, 1960 Claypool Street

ZON2021-00034



1 inch = 85 feet

Item: ZON2021-00034 Date: 4-8-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: 

Name: Des Moines Feed Co

Address: 2010 HUSBELL AVE

Staff Use Only

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

Item: ZON2021-00034 Date: 5-1-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: Andrea Boulton

Name: Andrea Boulton, ACCENT.NA.

Address: 3127 Thompson

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 06 2021

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

Comments on behalf of ACCENT neighborhood
Association. See enclosed letter.

Item: ZON2021-00034 Date: 4/11/2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Rita Rivas

Name: Rita Rivas

Address: 1917 Walker St.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
APR 14 2021

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

Decrease my Property Value =

Increase in traffic =

Item: ZON2021-00034

Date: May 4, 2021

ACCENT Neighborhood
Andrea Boulton, Secretary
3127 Thompson Ave



Oppose Rezone Request of 1960 Claypool Street

The rezoning request of 1960 Claypool from RX1 Mixed Use District to I1 Industrial District to allow the redevelopment of the property with self-service storage is contrary to our neighborhood's previous stance on the expansion and development of storage facilities in our area and is incompatible with our vision of promoting residential and commercial growth as opposed to industrial.

In March we oppose the conditional use permit granted to allow the Gordman's complex to be turned into a storage complex based on the plethora of large self storage facilities already existing within a two mile radius of each other. We understand that it was always the plan of the property owners at 1960 Claypool to have drive up storage when they original invested in the 2017 facility. However, that plan was before our neighborhood had the enormous UHaul Storage and the upcoming, equally as large Gordman's storage project. Frankly, we were already saturated with storage complexes in 2017. Our neighborhood is inundated with quality properties being transitioned into storage complexes rather than working to attract businesses and amenities that grow and improve the betterment of our community and workforce.

Specifically regarding this project- rezoning this property from a mixed use area to an industrial area will continue to promote the type of use we'd like to see moved out of our neighborhoods. We encourage residential and commercial use to be intertwined, but transitioning this property to industrial will only ensure that it stays the type of use and continues to attract these types of user groups next to our homes.

Thank you for the opportunity to share our concerns.