

Date March 25, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
DDX WORLDWIDE CARGO, INC. TO REZONE PROPERTY
LOCATED AT 2017 CAPITOL AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2019, its members voted 11-1 in support of a motion to recommend **APPROVAL** of a request from DDX Worldwide Cargo, Inc. (owner), represented by Juan Guaman (officer), to rezone property located at 2017 Capitol Avenue (“Property”) from “R1-60” One-Family Low-Density Residential District to Limited “M-1” Light Industrial District, to allow expansion of the existing warehouse and distribution center use in operation at the adjoining business located at 2000 East Walnut Street, subject to the following conditions:

1. No buildings shall be constructed on the Property.
2. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the Property.
3. Any off-street parking area on the Property shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
4. Any outside storage on the Property not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free.
5. Any use of the Property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to “C-2” Districts.
6. Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property; and

WHEREAS, the Property is legally described as follows:

LOTS 112 AND 113 TIMMONS PLACE, AN OFFICIAL PLAT, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on April 8, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

 **Roll Call Number**

Agenda Item Number

20

Date March 25, 2019

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2018-254)

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

Date March 25, 2019

Agenda Item 20

Roll Call # _____

March 19, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their March 7, 2019 meeting, the following action was taken regarding a request from DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) to rezone property at 2017 Capitol Avenue from "R1-60" One-Family Low Density Residential District to "M-1" Light Industrial District to allow expansion of the existing warehouse and distribution center use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-1-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
David Courard-Hauri		X		
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part B) the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential; **APPROVAL** of Part C) to amend the PlanDSM Future Land Use Map designation from Residential to Industrial; and **APPROVAL** of Part D) to rezone the property to a Limited "M-1" Light Industrial District subject to the following conditions:

1. No buildings shall be constructed on the property.
2. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the property.
3. Any off-street parking shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
4. Any outside storage not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free.
5. Any use of the property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to "C-2" Districts.
6. Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.

(ZON2018-00254) & (21-2018-4.24)

Written Responses

2 in Favor

2 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) This item has been withdrawn.

Part B) Staff recommends that the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential.

Part C & D) Staff recommends **denial** of the requested amendment to the PlanDSM Future Land Use Map to Industrial, and **denial** of the requested rezoning to the "M-1" Light Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to legitimize expansion of an existing warehouse and distribution trucking business in operation at 2000 East Walnut Street. The business had expanded outside storage and parking activity onto adjoining owned residentially zoned property without obtaining proper zoning or providing required site improvements. The applicant was previously seeking to vacate the northern half of the north/south alley west of the subject property so that it can all be assembled with the property of the primary business. However, this item has been withdrawn as there has been no resolution with the adjoining machine shop owner also using the segment of alley. A single-family home was recently demolished on the subject property, and in the interim the applicant has ceased any commercial use of the subject property.

Since the January 17, 2019, the applicant has provided two site schematics for options in using the subject property. One option provides for a 25-foot setback from Capitol Avenue and a 13-foot side yard setback from the east for outside storage. This would require relief from the Zoning Board of Adjustment to approve. The second option

would increase the side yard setback from the east to 25 feet which would meet the minimum requirements for the "M-1" District for outside storage.

2. **Size of Site:** 11,320 square feet or 0.26 acres. The overall site for the business would be approximately 1.42 acres with the requested rezoning.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Vacant property. A single-family dwelling was demolished in 2018.
5. **Adjacent Land Use and Zoning:**
 - East** - "R1-60"; Use is single-family dwellings.
 - West** - "M-1"; Use is warehouse and distribution trucking operation.
 - North** - "R1-60" & "M-1"; Uses are a single-family dwelling and a potato chip warehouse and plant.
 - South** - "M-1"; Use is a machine shop.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a transition area between a low density residential neighborhood to the east and an industrial area with a major rail corridor to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairground Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the hearing) and January 7, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contract. Also, a 10-day notice was sent on January 7, 2019 to property owners adjoining the affected alley requested for vacation. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on January 11, 2019. The Fairground Neighborhood mailings were sent to Sharon Cooper, 2838 Logan Avenue, Des Moines, IA 50317.

The applicant is required to hold a neighborhood meeting prior to the public hearing. They have indicated that a neighborhood meeting was scheduled for January 15, 2019.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** The proposed rezoning area is designated as "Low Density Residential" on the Future Land Use Map.
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 proposed rezoning is not in conformance with the Future Land Use Map designation of "Low Density Residential". Even though the applicant's existing property to the west is currently zoned of "M-1" Light Industrial District, the Future Land Use Map must be amended to the "Industrial" designation to find the proposed rezoning to "M-1" Light Industrial District in conformance with PlanDSM.

The Plan describes the "Low Density Residential" category as areas developed with primarily single-family and two-family residential units, with up to 6 dwelling units per net acre.

The Plan describes the "Industrial" category as accommodating industrial development and limited supporting commercial uses. Development in the classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

Staff is concerned that the proposed rezoning begins to break the transition between the residential neighborhood and the industrial railroad corridor. The applicant already acquired the property and removed a single-family residential dwelling that experienced disinvestment due to proximity to the existing allowed industrial uses. Extending the industrial further into the residential neighborhood would like also extend disinvestment in residential properties.

2. **Site Plan Requirements:** Any extension of the trucking company use would be required to conform to all current Zoning and Site Plan requirements or would need separate relief from the Zoning Board of Adjustment or through the Site Plan process. If the applicant gets necessary zoning approval either through rezoning by the City Council or relief of the Zoning Board Adjustment, the resulting change of use would require review and approval of a Site Plan to demonstrate that the site would be brought into conformance with current Zoning and Site Plan requirements. This would include, but is not limited to, stormwater management, pavement, dustless surfaces for storage, parking, screening and landscaping. The current site is used with mostly unpaved surfaces, and does not conform to required landscaping.

Based on the most recent site sketch options submitted by the applicant, relief of front and side yard setbacks by the Zoning Board of Adjustment may also be required prior to consideration of a Site Plan. Any outside storage must be outside the minimum required 25-foot front yard setbacks from public street property lines and the minimum required 25-foot side yard when abutting residentially zoned property.

3. **Traffic Analysis:** The anticipated trip generation by the proposed project is below the threshold for requiring a traffic study. Primary access to the site is currently from East

Walnut Street and Capitol Avenue. Circulation occurs using the existing north/south alley.

The applicant previously requested vacating the north half of the north/south alley as part of this application, leaving the south half for ingress/egress from the east/west alley to the east. This has been withdrawn by the applicant since the January 17 hearing. The machine shop owner at 2018 East Walnut Street had indicated that his access circulation to his building is from the north/south alley and that vacating the north half would have impeded the movement of trucks that serve his property as they would not be able to turn and go east on the east/west alley given the geometry of the remaining Rights-Of-Way.

4. **Staff Rationale:** Staff believes that amending the PlanDSM and rezoning the property to a more intensive industrial district would not safeguard the adjoining residential neighborhood area to the east. Long-term allowance for industrial use in this location would have a large impact on adjoining residential properties that could not be adequately mitigated.

Should the Commission determine that the requested rezoning of the property is appropriate, staff believes that the following conditions should be placed on the property:

- A. No buildings shall be constructed on the property.
- B. Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the property.
- C. Any off-street parking shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
- D. Any outside storage not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free.
- E. Any use of the property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to "C-2" Districts.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Rick Baumhover Bishop Engineering, 3501 104th Street, stated they have dropped the request to vacate the alley due to an adjoining property owner's use of the alley. If the zoning is approved, they do agree to use this for only parking, green space or storage. They would like to rezone this property as the business needs parking and storage. Presented two conceptual sketches of how parking and storage could fit on the property. One option would fully comply with zoning regulations for an M-1 District. The other option would require setback relief from the Zoning Board of Adjustment. They cannot file an application for consideration by the Zoning Board of Adjustment until they know if the zoning request is approved by City Council.

Greg Jones asked which site plan they prefer to go with?

Rick Baumhover stated his client prefers the site concept that would require setback relief from the Zoning Board of Adjustment as they would like to get as much usable space as possible. The request does not impact anybody's existing truck access to Capitol Avenue or Walnut Street.

Greg Wattier asked if the applicant had met with the neighborhood association.

Rick Baumhover stated he sent an email but had no response.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was nobody present to speak in favor of or opposition to the request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Wattier asked if they are currently using the site in this fashion.

Mike Ludwig stated the applicant was previously cited for violating the zoning ordinance and they have removed trailers and storage from the property in the interim while they seek a change to the zoning.

Carolyn Jenison stated she is a big proponent of the neighborhood association and how they feel but believes the association's letter expressed concern about the alley vacation request that has since been withdrawn, rather than the rezoning.

Jacqueline Easley asked staff if the applicant can go to the Zoning Board of Adjustment if the zoning is denied.

Jason Van Essen stated that if the zoning request is denied by the City Council the applicant could seek a use variance and setback relief from the Zoning Board of Adjustment.

Greg Jones stated he disagrees with staff recommendation for denial of the rezoning. He noted that if a 25-foot setback was maintained from the East lot line, the proposed industrial use would not extend much further into the neighborhood than other adjoining industrial uses. Made a motion to approve the rezoning subject to the alternate conditions listed in the "rationale" section of the staff report and requiring a 25-foot setback along the east lot line.

Mike Ludwig stated a condition would need to be added stating "Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property." If this were approved by council, the owner and any future owner could not seek relief from Zoning Board of Adjustment and would need submit another rezoning request. Suggested that the applicant address whether an additional condition would be acceptable.

Rick Baumhover asked if the condition would prohibit the applicant from seeking relief from the Zoning Board of Adjustment.

Greg Jones stated yes.

Glenna Frank stated if the condition is added, storage would not be allowed on the East 25 feet of the lot and any relief to that condition would require a rezoning.

Rick Baumhover stated the condition would lock the applicant into Site Concept B which allows a minimal amount of storage.

Greg Jones stated he would only support approval of the zoning with conditions that limit use of the property compliant with site concept B or denial of the rezoning.

Rick Baumhover stated the site really needs the parking and the owner is trying to do the right thing and comply.

Greg Jones suggested that the Commission consider a condition that no truck traffic from the subject property utilize Capitol Avenue.

John "Jack" Hilmes asked how wide the lot is.

Rick Baumhover stated it is 77-feet wide.

John "Jack" Hilmes stated that leaves them 52-feet to work with. Asked how long are the applicant's trailers.

Rick Baumhover stated the applicant's trailers are 53-feet in length and they need room to maneuver.

Juan Guamon 2000 E. Walnut, stated other businesses are using Capitol Avenue for truck traffic. It would not be fair if he was the only one not allowed to use Capitol Avenue.

Greg Jones withdrew his suggestion to limit truck traffic on Capitol Avenue.

COMMISSION ACTION:

Part A) The alley vacation request has been withdrawn.

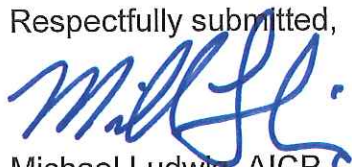
Greg Jones made a motion for **APPROVAL** of Part B) the Commission find that the requested rezoning is not in conformance with the PlanDSM future land use designation of Low Density Residential; **APPROVAL** of Part C) to amend the PlanDSM Future Land Use Map designation from Residential to Industrial; and **APPROVAL** of Part D) to rezone the property to a Limited "M-1" Light Industrial District subject to the following conditions:

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6. Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.

Motion Carried: 11-1-0

Respectfully submitted,



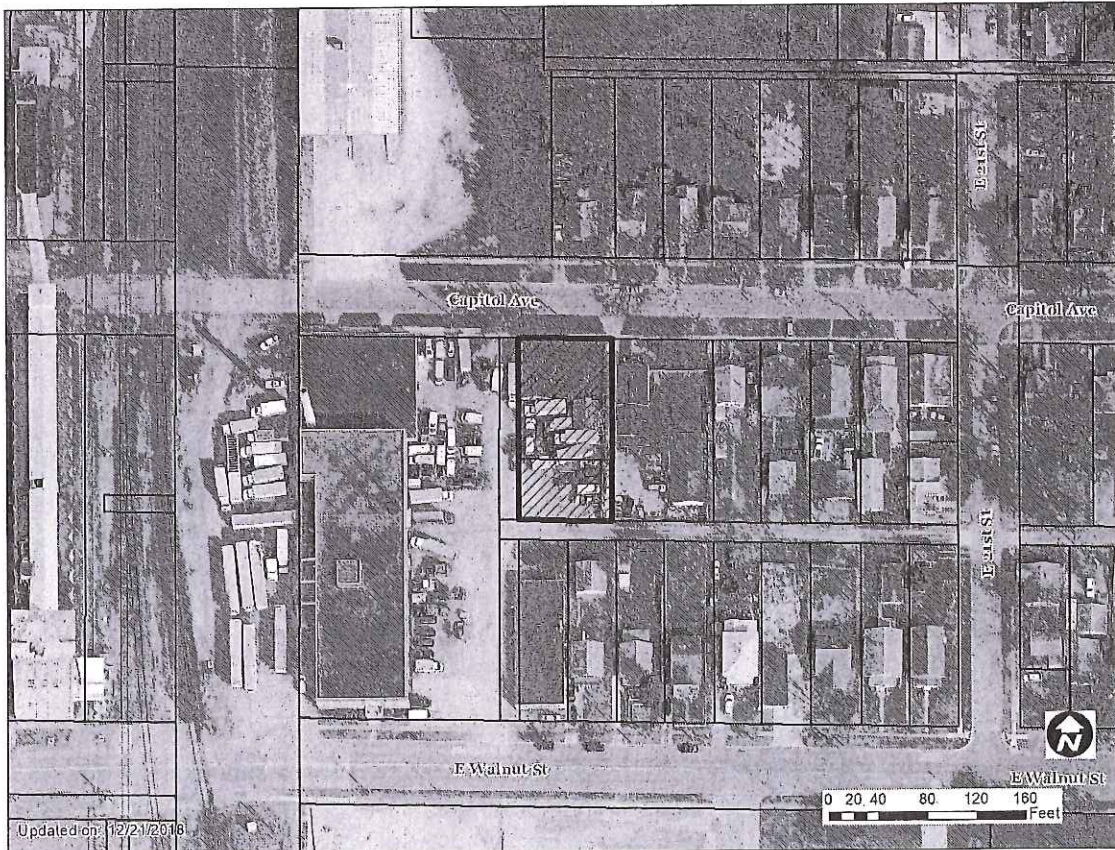
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) for the following at 2017 Capitol Avenue.				File #	
				ZON2018-00254	
Description of Action	Rezone from "R1-60" One-Family Low Density Residential District to "M-1" Light Industrial District to allow expansion of the existing warehouse and distribution center use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	2	2			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

DDX Worldwide Cargo, Inc., 2017 Capitol Avenue

ZON2018-00254

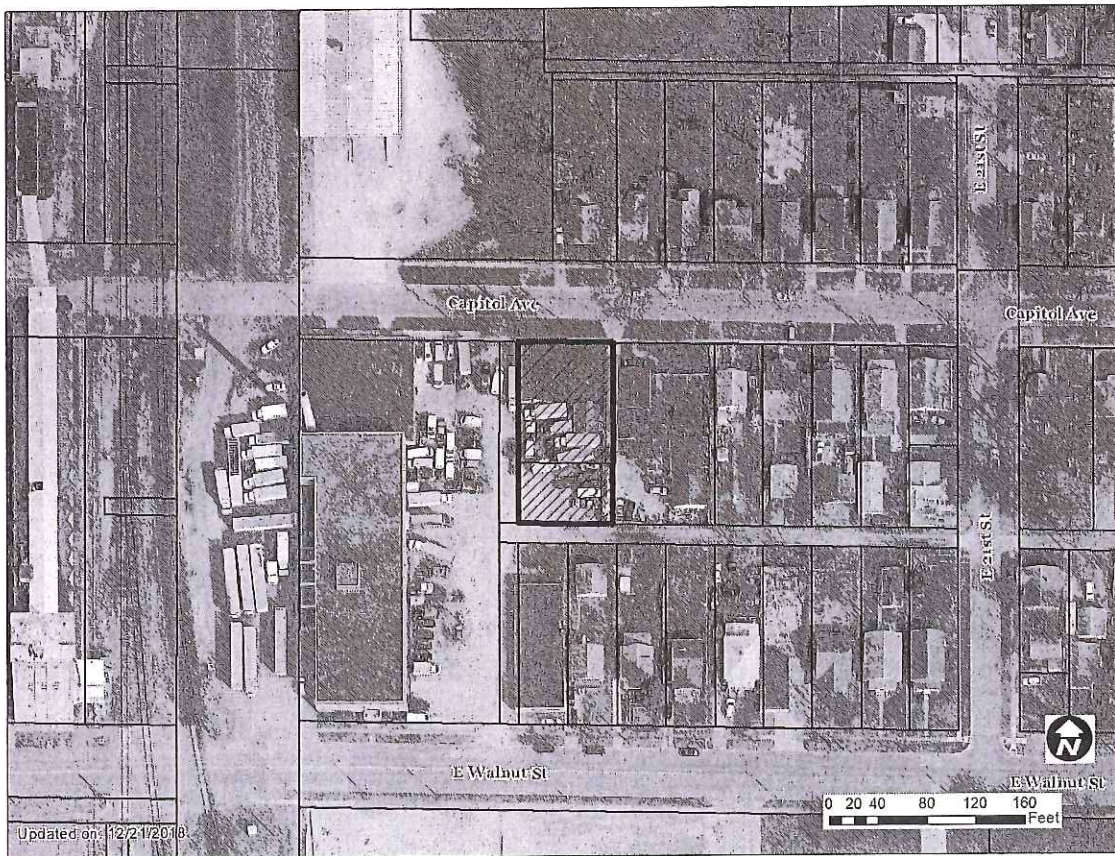


1 inch = 92 feet

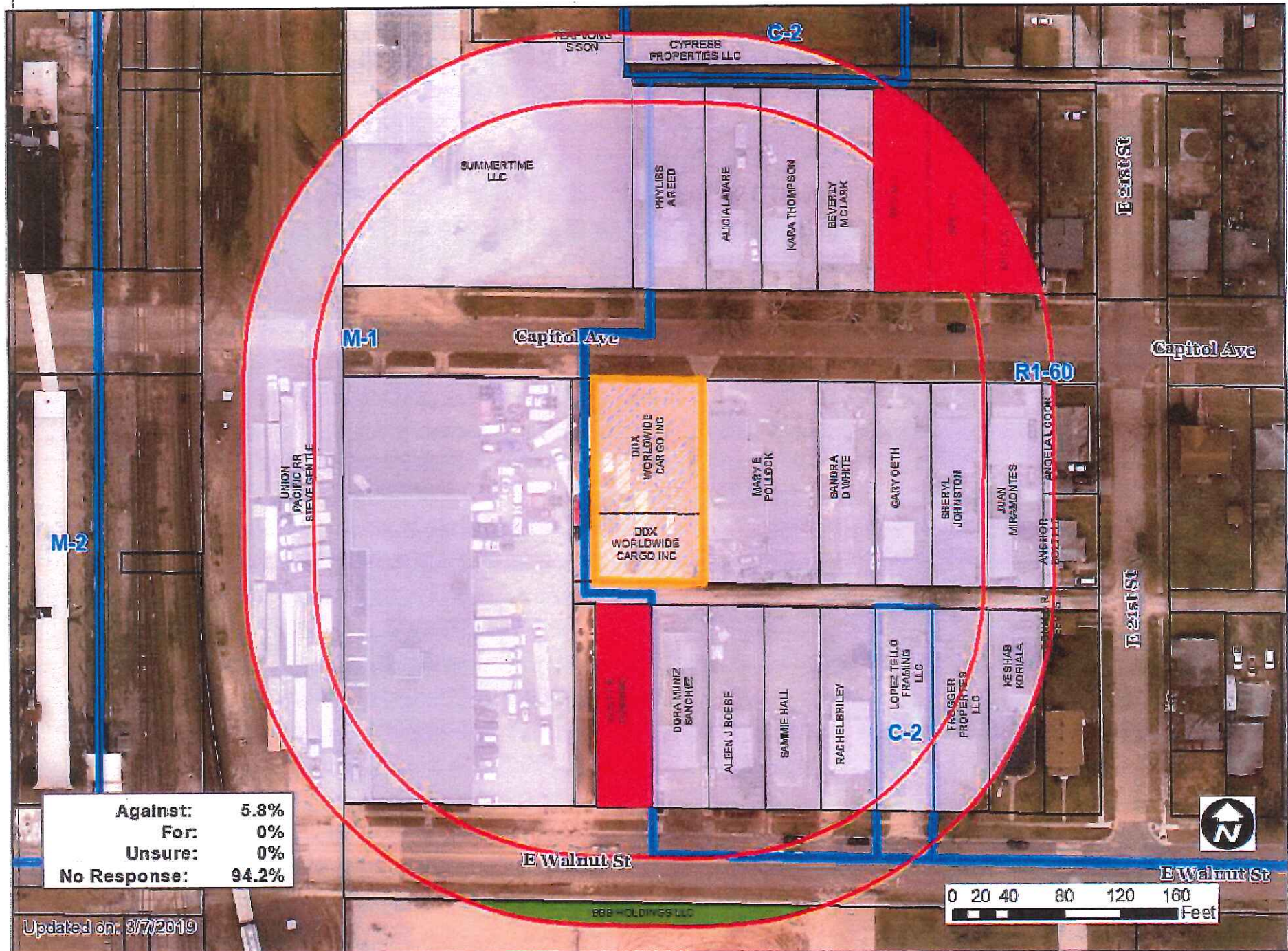
DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) for the following at 2017 Capitol Avenue.				File #	
				21-2018-4.24	
Description of Action	Amendment to the PlanDSM future land use classification from Low Density Residential to Industrial.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No X

DDX Cargo Worldwide, Inc., 2017 Capitol Avenue

21-2018-4.24



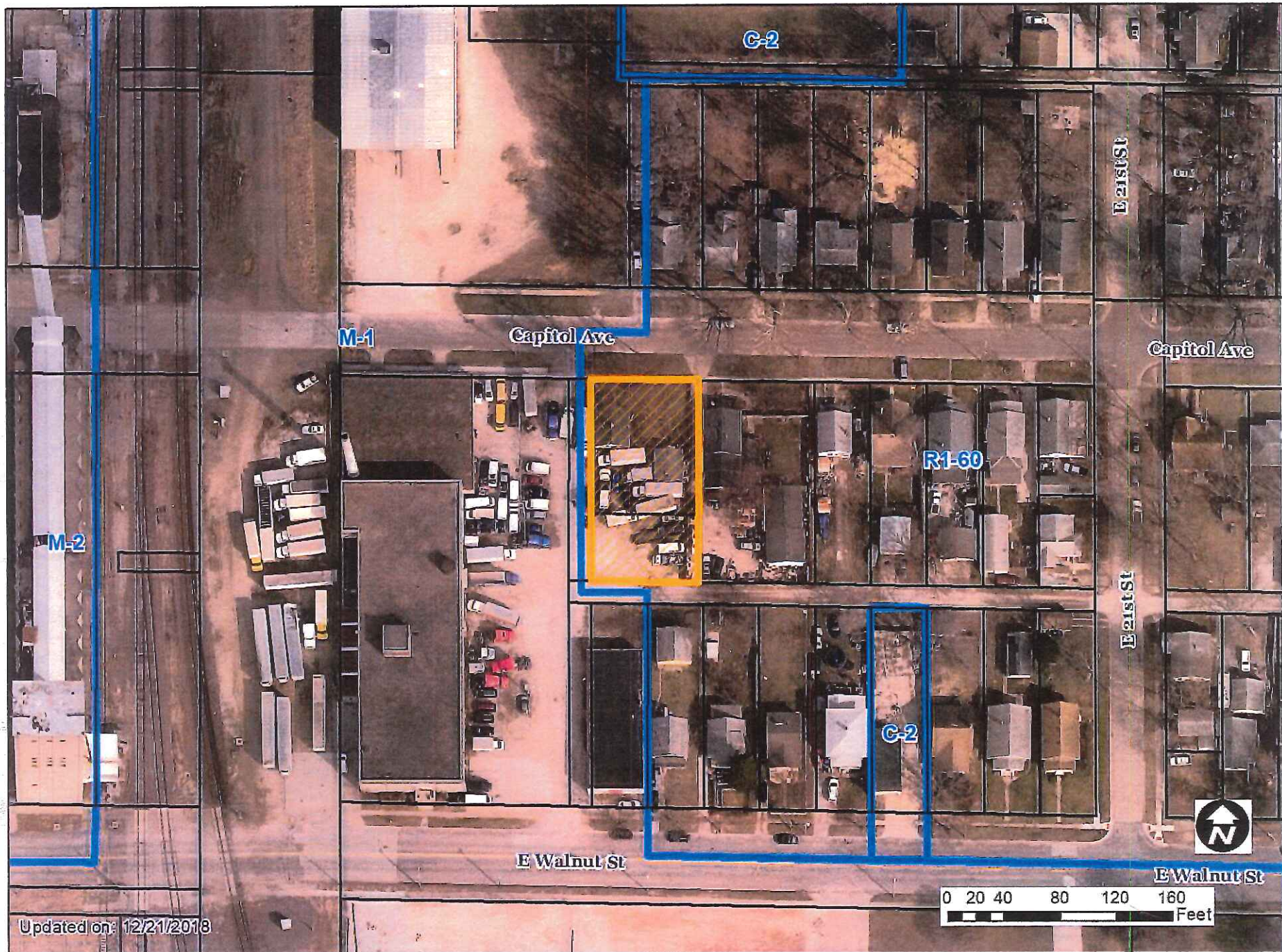
1 inch = 92 feet



Against:	5.8%
For:	0%
Unsure:	0%
No Response:	94.2%

Updated on: 3/7/2019

1 inch = 92 feet



Updated on: 12/21/2018

1 inch = 92 feet

Fairground Neighbors for Community Improvement

(Established in 1996)

An Affiliate of Iowa Citizens for Community Improvement

2001 Forest Avenue, Des Moines, IA 50311 (515)255-0800

January 16, 2019

Members, City Plan and Zoning Commission
c/o Erik Lundy, City Contact

Re: January 17, 2019 Meeting
Agenda Item 10, 2017 Capitol Avenue

Dear Members of the City Plan and Zoning Commission:

Fairground Neighbors for Community Improvement ask that you deny the request from DDX Worldwide Cargo, Inc., concerning vacation of the adjoining north/south alley and rezoning the property at 2017 Capitol Avenue.


There are approximately 2,000 households within the boundaries of our neighborhood association. Those boundaries are: North-south side of East University; West-railroad tracks that run north/south near East 20th Street; South-railroad tracks that run south of Dean Avenue; and East-the west side of East 30th Street. On the east side of East 30th Street is the Iowa State Fairgrounds.

Our neighborhood association is concerned that allowing vacation of the adjoining north/south alley from Capitol Avenue to the east/west alley and rezoning the property at 2017 Capitol Avenue from "R1-60" One-Family Low Density Residential District to "M-1" Light Industrial District to allow expansion of the existing warehouse and distribution center would allow DDX Worldwide Cargo, Inc., to use Capitol Avenue as an entrance and exit to their business. Capitol Avenue is an historic brick street and, therefore, not a truck route. If the large trucks enter and exit from/to Capitol Avenue, they will travel at least two blocks to/from the nearest truck route (East Grand Avenue), thereby driving past thirteen houses in the 2000 block of Capitol Avenue. This is not fair to the homeowners and children in the area.


Thank you for the opportunity to allow us to voice our concerns. We hope you will look favorably upon our request to deny the request from DDX Worldwide Cargo, Inc., concerning vacation of the north/south alley and rezoning 2017 Capitol Avenue.

Fairground Neighbors for
Community Improvement

By


Vicki Allison, Secretary

By


Nancy Ryan, Treasurer

received
Jan 16, 2019

Item ZON2018-00254

Date January 11, 2019

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

(Circle One)

Print Name Scott Denning

Signature [Signature]

Address 2018 E. Walnut St.

RECEIVED
COMMUNITY DEVELOPMENT

JAN 14 2018

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

I am concerned if the property is approved the alley will be blocked.

Item ZON2018-00254

Date 1-11-19

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

(Circle One)

Print Name Brad Lowe (EPC, LLC)

Signature [Signature]

Address 2036, 2040, 2044 Capitol Ave + many more nearby.

RECEIVED
COMMUNITY DEVELOPMENT

JAN 14 2018

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

This is a residential neighborhood that already experiences hardships in the rental market. Rezoning of this property would further contribute to these issues as well as increasing truck traffic on what are already dilapidated city streets.

Item ZON2018-00254

Date 1-10-19

BBB Holdings LLC

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

(Circle One)

Print Name Timothy Beard

Signature [Signature]

Address 201 E Walnut St DM 50317

JAN 14 2018

COMMUNITY DEVELOPMENT

RECEIVED

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

Need More Business in the Area + Reduce Low Value Housing

ZON2018-00254

Item _____

Date

1-14-19

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

(Circle One)

RECEIVED

Print Name

Irene Reeves

COMMUNITY DEVELOPMENT

Signature

Irene Reeves

JAN 17 2018

Address

2050 E Walnut St

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

PRELIMINARY- NOT FOR CONSTRUCTION

2017 CAPITOL AVENUE / 2000 E. WALNUT ST. PARKING / STORAGE CONCEPT PLAN

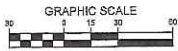
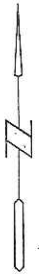
ZONING: M-1

BLDG SETBACKS:

Front = 25'
Side = 0' / 25' R, C-0, Street
Rear = 0' / 25' R,C-0

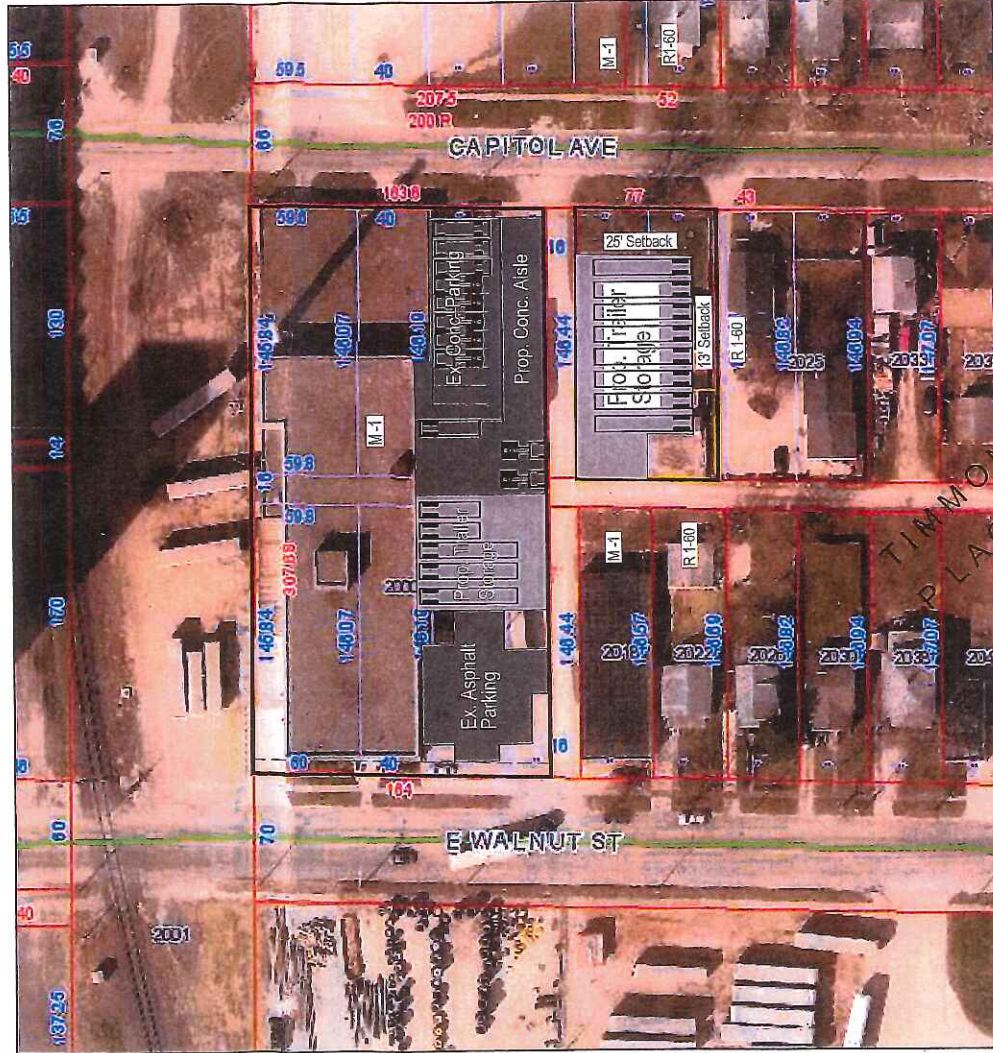
STORAGE YARD SETBACKS:

Same as Building Setbacks
- Will Request Board of Adjustment Action:
Storage Sideyard Setback EXCEPTION:
of 12' less than the required 25'.



Legend:

- PCC PMH:
6" THICK FOR DRIVES, WITH
INTERNAL CURB & GUTTER,
5" THICK FOR WALKS.
- ASPHALT MILLING:
6" THICK FOR YRD



2017 CAPITOL AVE
DES MOINES, IA

CONCEPT PLAN A

REFERENCE NUMBER:	
DRAWN BY:	MJE
CHECKED BY:	RB
REVISION DATE:	
PROJECT NUMBER:	170436
SHEET NUMBER:	1 OF 2

