



Date May 4, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 16, 2009, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Easter Lake Estates, Inc. (owner) represented by Ronald Woods (officer) to amend the Des Moines's 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development excluding the southern 140 feet of the subject property and to approve the proposed rezoning excluding the southern 140 feet of the property located at 1670 East County Line Road from R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District to allow for future highway commercial redevelopment subject to the following conditions:

1. Prohibition of the following uses:
 - a. Adult entertainment businesses.
 - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - c. Mobile home parks.
 - d. Off-premise advertising signs.
 - e. Package goods stores for the sale of alcoholic beverages.
 - f. Pawnshops.
 - g. Taverns and night clubs.
 - h. Vehicle display, hire, rental and sales.
2. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
3. Provision of a traffic study that provides trip generation estimates for any new development and existing traffic volumes on adjacent streets with a capacity analysis.
4. All commercial development shall comply with the following design standards.
 - a. The exterior of all building facades, excluding windows and doors, that face any public street or private circulation drive must be 100% covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
 - b. No part of any street facing exterior façade shall consist of metal except for accent and trim elements.
 - c. The building materials of the street facing façade(s) must wrap around the sides of the building in either a wainscot application across the entire side or extend the entire height of the side façade a distance of at least four feet back from the street façade. The Community Development Director may approve alternate exterior materials that provide an exterior appearance and durability equivalent to the permitted materials.



Date May 4, 2009

- d. All outside trash containers must be enclosed with an enclosure that matches the primary building materials of the primary structure and must have steel gates.

The subject property is more specifically described as follows:

Southeast 1/4 Southwest 1/4 (Except West 20 Rods North 50 Rods) & (Except the South 125 feet) Less 9.2A Road SEC 35-78-24, AND OFFICIAL REPLAT IN POLK COUNTY, IOWA.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 18, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

(ZON2009-00034)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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

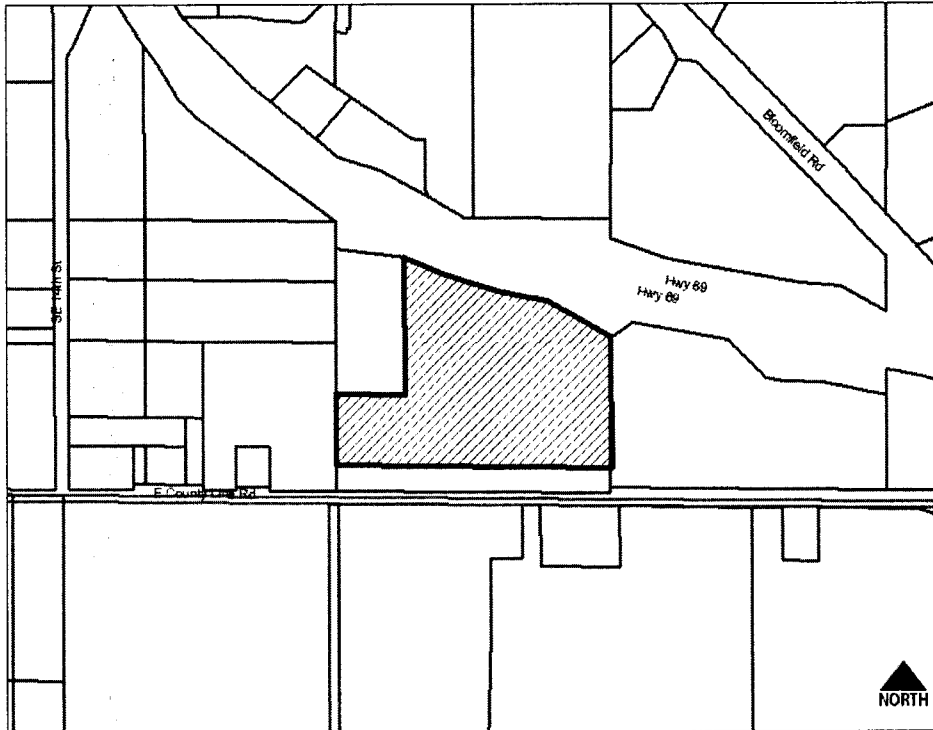
Mayor

City Clerk

Request from Easter Lake Estates, Inc. (owner) represented by Ronald Woods (officer) to rezone property located at 1670 East County Line Road.				File #	
				ZON2009-00034	
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District to allow for future highway commercial redevelopment.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	US 69 to widen from 4 lane undivided to 6 lane divided from East Army Post Road to Relocated US 65				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	Limited "C-2" General Retail and Highway-Oriented Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	4	0		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Easter Lake Estates Inc - 1670 E County Line Road

ZON2009-00034



Date _____

May 1, 2009

Agenda Item 23

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 meeting held April 16, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of staff recommendation to find the requested rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

APPROVAL of the request to amend the Des Moines’s 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development excluding the southern 140 feet of the subject property and to approve the proposed rezoning excluding the southern 140 feet of the subject property located at 1670 East County Line Road subject to the following conditions:

1. Prohibition of the following uses:
 - a. Adult entertainment businesses.
 - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - c. Mobile home parks.
 - d. Off-premise advertising signs.
 - e. Package goods stores for the sale of alcoholic beverages.
 - f. Pawnshops.
 - g. Taverns and night clubs.
 - h. Vehicle display, hire, rental and sales.
2. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
3. Provision of a traffic study that provides trip generation estimates for any new development and existing traffic volumes on adjacent streets with a capacity analysis.
4. All commercial development shall comply with the following design standards.
 - a. The exterior of all building facades, excluding windows and doors, that face any public street or private circulation drive must be 100% covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
 - b. No part of any street facing exterior façade shall consist of metal except for accent and trim elements.
 - c. The building materials of the street facing façade(s) must wrap around the sides of the building in either a wainscot application across the entire side or extend the entire height of the side façade a distance of at least four feet back from the street façade. The Community Development Director may approve alternate exterior materials that provide an exterior appearance and durability equivalent to the permitted materials.
 - d. All outside trash containers must be enclosed with an enclosure that matches the primary building materials of the primary structure and must have steel gates.

Written Responses

4 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the existing Des Moines’ 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines’s 2020 Community Character Plan Land Use Map Designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development excluding the southern 140 feet of the subject property.

Part C) Staff recommends approval of the proposed rezoning excluding the southern 140 feet of the subject property subject to the following conditions:

1. Prohibition of the following uses:
 - a. Adult entertainment businesses.
 - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - c. Mobile home parks.
 - d. Off-premise advertising signs.
 - e. Package goods stores for the sale of alcoholic beverages.
 - f. Pawnshops.
 - g. Taverns and night clubs.
 - h. Vehicle display, hire, rental and sales.
2. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
3. Provision of a traffic study that provides trip generation estimates for any new development and existing traffic volumes on adjacent streets with a capacity analysis.
4. All commercial development shall comply with the following design standards.
 - a. The exterior of all building facades, excluding windows and doors, that face any public street must be 100% covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
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 - d. All outside trash containers must be enclosed with an enclosure that matches the primary building materials of the primary structure and must have steel gates.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is located in the southeast portion of the City. The property has frontage on Highway 69 to the north and East County Line Road to the south. The applicant is proposing to speculatively rezone most of the property to a Limited "C-2" District. The southern 125 feet of the property would remain as "R1-60" to act as a transition from nearby residential development. The applicant is proposing the following zoning conditions.
 - All commercial buildings shall comply with the design standards of the SE 14th Street – Army Post Road Area Additional Tax Abatement Requirements for Commercial Development.

- Prohibition of adult entertainment businesses, vehicle display lots and taverns uses.
- Provision of mitigation for tree removal.

2. **Size of Site:** 24.55 acres.

3. **Existing Land Use (site):** Undeveloped land.

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

North – “C-1” & “C-2”; *Uses are a medical clinic, undeveloped land, a single-family dwelling and a mobile home park.*

South – (Warren County) “R-2” Single Family Residential District & “A-1” Agricultural District; *Uses are single-family dwellings and undeveloped land.*

East – “R1-60”; *Uses are a single-family dwelling and undeveloped land.*

West – “R1-60”; *Uses are single-family dwellings and undeveloped land.*

5. **General Neighborhood/Area Land Uses:** This area generally consists of a mix of undeveloped land and large lot single-family residences.

6. **Applicable Recognized Neighborhood(s):** None.

7. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.

8. **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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property is heavily wooded. The proposed rezoning is speculative and the impact on natural features of the site is unknown. The application states that the developer is willing to provide mitigation for removed trees. The staff recommendation in Section III of this report includes tree mitigation language that staff recommends be incorporated as a zoning condition.

2. **Utilities and Drainage:** Development of the site will require approval of a grading and soil erosion control plan and storm water management improvements in accordance with City standards.

Sanitary sewer and water are available near the site in the East County Line Road right-of-way. The developer is responsible for the extension of these lines to and throughout the site.

3. **Access & Street System:** The application indicates that Iowa DOT staff have indicated that the developer will be allowed to have a single access point to Highway 69. The applicant has also indicated that access to East County Line Road should not be necessary to serve any development of the proposed “C-2” portion of the property.

The City's Traffic and Transportation Division has indicated that a traffic study will be required for any proposed development of the site. The developer will be required to contribute to any necessary improvements to the adjoining streets.

The width of the adjoining portion of County Line Road right-of-way is not adequate to support the anticipated future traffic needs of the street. Traffic and Transportation staff estimate that an additional 12 to 15 feet of right-of-way is need on the north side East County Line Road. A final amount will be determined when the property is developed.

- 4. 2020 Community Character Plan:** The subject property's current Future Land Use Map designation is Low Density Residential. The proposed rezoning cannot be approved unless the future land use designation is changed to General Retail and Highway Oriented Commercial.

The subject property is located on an entry corridor into the City and is highly visible. The property is also near existing single-family residential development. Staff believes the following uses should be prohibited.

- a. Adult entertainment businesses.
- b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
- c. Mobile home parks.
- d. Off-premise advertising signs.
- e. Package goods stores for the sale of alcoholic beverages.
- f. Pawnshops.
- g. Taverns and night clubs.
- h. Vehicle display, hire, rental and sales.

Staff also believes that a total of 140 feet along the southern edge of the property should remain zoned "R1-60" District. The applicant is proposing 125 feet. The additional 15 feet will compensate for the land that will need to be dedicated as right-of-way for East County Line Road as the property is developed in the future.

- 5. Urban Design:** The subject property is located on an entry corridor into the City and is highly visible. It is important that buildings on the site be constructed with quality materials. The applicant is proposing to comply with the SE 14th Street – Army Post Road Area Additional Tax Abatement Requirements for Commercial Development design standards as a zoning condition. The guidelines consist of the following language.

- The improvements must be in the C-0, C-1, C-2 or C-4 commercial zoning districts and each habitable building upon the property must have one hundred percent of its exterior façade facing any public street, excluding windows and doors, covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
- No part of the exterior façade facing any public street shall be metal except that metal materials may be used as an accent or trim. The façade requirements shall apply to both street facades of habitable buildings on corner lots.
- The primary building material must also wrap around the sides of the building in either a wainscot application across the entire side or extend the entire elevation of the side façade a distance of at least four feet back from the street façade. The Community Development Director may, upon application, approve alternate exterior materials that provide an exterior appearance and durability equivalent to the permitted materials.

