



STAFF REPORT
PLANNING AND ZONING COMMISSION
For the January 28, 2015 meeting

TO: Planning and Zoning Commission Members
FROM: Sheena Danzer, Planning Director
SUBJECT: CUP01-15, conditional use permit request for property at 2110 63rd Street

GENERAL INFORMATION

Applicant: Robert Irving / Irving LLC
4800 147th Street
Urbandale, IA 50323
Application Date: January 5, 2015
Location: 2110 63rd Street – formally Anderson Auto
Zoning: CC, Community Commercial
Proposed use: 1/3 office space, 1/3 cabinet and countertop construction, 1/3 storage and hobby area
Requested Action: Conditional use permit application review- recommendation to Board of Adjustment

Quick Summary:

The purpose of this item is to review the conditional use permit request and provide a recommendation to the Board of Adjust who will meet on February 18, 2015. A site plan will be reviewed at a later date as the intention right now is to occupy the building. The applicant will be making improvements to the site.

APPLICABLE SECTIONS

The proposed use is defined in the Zoning Ordinance as “custom manufacturing” which is considered an industrial use. As the site is not zoned industrial, a conditional use permit is required in the community commercial zoning district.

167.09 INDUSTRIAL USE TYPES. Industrial use types include the on-site extraction or production of goods by non-agricultural methods and the storage and distribution of products.

2. Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

- A. The use of hand tools, or
- B. The use of domestic mechanical equipment not exceeding 2 horsepower, or
- C. A single kiln not exceeding 8 KW or equivalent

177.03 CONDITIONAL USE AND SPECIAL USE PERMIT PROCEDURES.

1. Purpose.

The Conditional Use and Special Use Permit Procedures provide for Planning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

2. Administration.

The Planning Commission shall review and evaluate each application and transmit its recommendation to the Board of Adjustment. The Commission recommendation should include whether or not to approve or disallow the project and any suggested conditions if approval is recommended. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

3. Application Requirements.

An application for a permit may be filed with the Zoning Administrator by the owner of a property or the owner's authorized agent. The application shall include the following information:

- A. Name and address of the applicant.
- B. Owner, address, and legal description of the property.
- C. A description of the nature and operating characteristics of the proposed use.
- D. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.
- E. A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City's comprehensive plan.

4. Review Process.

- A. The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each permit and, following such public hearing, shall recommend action to the Board of Adjustment.
- B. The Board of Adjustment, after publication and public hearing, shall act on the permit, choosing to approve or deny the project.

5. Criteria for Review.

The Planning Commission and the Board of Adjustment shall review the application based on the criteria established in Table 177-1 and conformance with applicable regulations in this Zoning Code.

6. Scope of Planning and Zoning's Authority.

The Planning and Zoning Commission shall review and make recommendations to the Board of Adjustment based on the criteria established in Table 177-1 and based on compatibility with the surrounding neighborhood.

The Commission shall forward recommendations including whether or not to approve or deny the permit. If approval is recommended, the Commission shall include suggested conditions for the conditional or special use permit.

DEVELOPMENT COMMITTEE REVIEW

The Development Committee met on January 8, 2015 to discuss the project. The Development Committee had only positive feedback for the proposed use and believes it is a better use than what was previously there.

STAFF ANALYSIS

Land Use Compatibility		Staff Comments
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	No issues.
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	No issues.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	No issues.

Frontage	Project frontage along a street should meet minimum frontage requirements and provide reasonable exposure for the development.	No issues.
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	There will be minimum traffic as customers rarely visit on-site.
Parking and Internal Circulation	All structures must be accessible to public safety vehicles.	No issues.
Parking and Internal Circulation	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	No issues.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	The applicant intends to either trim or replace the bushes along with finishing the edging that is half missing. Any bushes that are removed will be replaced with new.
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	Building improvements will also be made at a later date. The applicant's intent is to convert the building from an auto repair shop to that of an office building. See note from applicant for plans on improvements.
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	No issues.
External Traffic Effects	Project design should direct nonresidential traffic away from residential areas.	Not applicable at this time.
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	Minimum operating hours as minimal customers will be at the business.
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	There will be no outside storage. Everything will take place inside the building. No permanent storage of any chemicals or compressed gases will be on site.
Stormwater Management	Development should handle storm water adequately to prevent overloading of public storm water management system. Development should not inhibit development of other properties. Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	Not applicable.
Utilities	Project must be served by utilities.	No issues.
Comprehensive Plan	Projects should be consistent with the City Comprehensive Development Plan	The Comprehensive Plan does not address a specific use for the property; it designates the area as a commercial use.

STAFF RECOMMENDATIONS:

Staff recommends approval of the conditional use permit with the condition that site improvements made to the property are approved and followed as the applicant has stated in the application. The Planning and Zoning Commission can provide additional conditions to the permit for site improvements as well.



City of Windsor Heights

www.windsorheights.org

1145 66th Street, Suite 1 • Windsor Heights, Iowa 50324 • 515-279-3662 • Fax 515-279-3664

City of
**Windsor
Heights**
the heart of it all

CONDITIONAL USE PERMIT APPLICATION

Date of Submission: 1/5/2015 Fee Amount: \$200 Application No. _____

The Conditional Use and Special Use Permit Procedures provide for Planning and Zoning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

**** Attach any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.**

**** Provide names, property addresses, and mailing addresses of all surrounding property owners within 200 feet for residential projects or 300 feet for commercial projects of the subject property. Intervening streets and alleys are not to be included in computing the 200 and 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder and providing the property addresses. You do not need to obtain these property owners' permission.**

Applicant Name: ROBERT IRVING / IRVING LLC

Applicant Address: 4800 147TH STREET, URBANDALE IOWA 50323

Applicant Phone Number: 515 229-1080

Property Owner: ROBERT IRVING / IRVING LLC

Property Address, Zoning Classification, & Legal Description: 2110 63RD STREET, CLASS CC,
S 90F N 420F LT1 & E 35F N 420F LT2 SUBURBAN FARMS

A description of the nature and operating characteristics of the proposed use.

1/3 OFFICE

1/3 CABINET & COUNTER CONSTRUCTION

1/3 STORAGE & HOBBY AREA

NOTE: NO PERMANENT STORAGE OF ANY CHEMICALS OR COMPRESSED GASSES ON SITE,
THERE WILL BE A SMALL FILTERED PAINT BOOTH OCCASIONALLY USED THAT WILL COMPLY
WITH CITY BUILDING CODES

A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City's Comprehensive Plan.

THIS BUSINESS WILL BE AN ORDERLY WELL KEPT ADDITION TO THE SURROUNDING NEIGHBORHOOD

(IT IS MY UNDERSTANDING THAT THE COMPREHENSIVE PLAN DOES NOT ADDRESS THE SPECIFIC USE

FOR THE AREA BUT GENERALLY DESIGNATES THE AREA AS COMMERCIAL USE)

Abutting Property Owner Names and Addresses:

1. HURD LAND COMPANY LLC, 2000 FULLER ROAD, WEST DES MOINES, IOWA 50265
2. CURTIS L KALLESEN, 2108 63RD STREET, WINDSOR HEIGHTS
3. _____
4. _____

The undersigned hereby certifies that all information provided is complete and accurate to the best of undersigned's knowledge, and that all information required by this application or by the Board's staff on its behalf has been provided.

Printed name of applicant: ROBERT IRVING _____

Signature of applicant: _____

Date: 1/5/2015 _____

Note: The Applicant or an authorized agent must personally be present for the request before the Planning and Zoning Commission and Board of Adjustment meetings.

Please contact the Zoning Administrator to obtain a list of meeting dates and submittal deadlines. 515-645-6826

PLAN 1

January 8, 2015

Sheena Danzer
1133 66th Street
Windsor Heights, Iowa 50324

Sheena,

Commercial Interiors is a General Contractor that does primarily Tenant Improvement work for the larger Real Estate Companies in the Des Moines area.

The use for the building at 2110 63rd will be:

The Office Space (about 1/3) will be used for myself and two others employees, customers rarely visit this location.

The Shop Area (about 1/3) will be used to build cabinets, countertops and other carpentry tasks usually used about 5 days out of the month

The Hobby/Storage Area will be the other 1/3 of the space. The Storage Area will be for construction tools, there will be no storage of chemicals or compressed gasses other than the material used on a current project. The Hobby Area will be for a minimal use paint booth (less than 1 gallon a day per the Air Quality EPA rules) that will be permitted and follow all city and county rules.

I am attaching a a some information for the same paint booth to be moved that was permitted a couple years back at my previous building also with some pictures of my other buildings to show that my properties are neat, orderly and well maintained.

Paint Booth note: Although the paint booth will not often be used when this type of work is being done I would rather have flammable material in a metal confined space, harmful particulates filtered and vapors exhausted properly.

Sincerely yours,

Robert Irving

Commercial Interiors Inc.

2110 63rd Improvements

The following items and including the attached pictures is what my goal for the property being purchased is. Commercial Interiors is a General Contractor and will be permitting the improvements as required, right now my main focus is to get proper zoning for the purchase to happen

Appearance of property:

My intent through the proper city channels is to convert this building from a look of a auto repair shop to that of a office building. Some of the items to be replaced will be the residential type door/window on the front of the building with glass & aluminum type to get away from a out building look along with new stone or brick once again to have an office look . One of the garage doors toward the front of the building will be removed with a glass window assembly for a conference room that will be part of the remodel

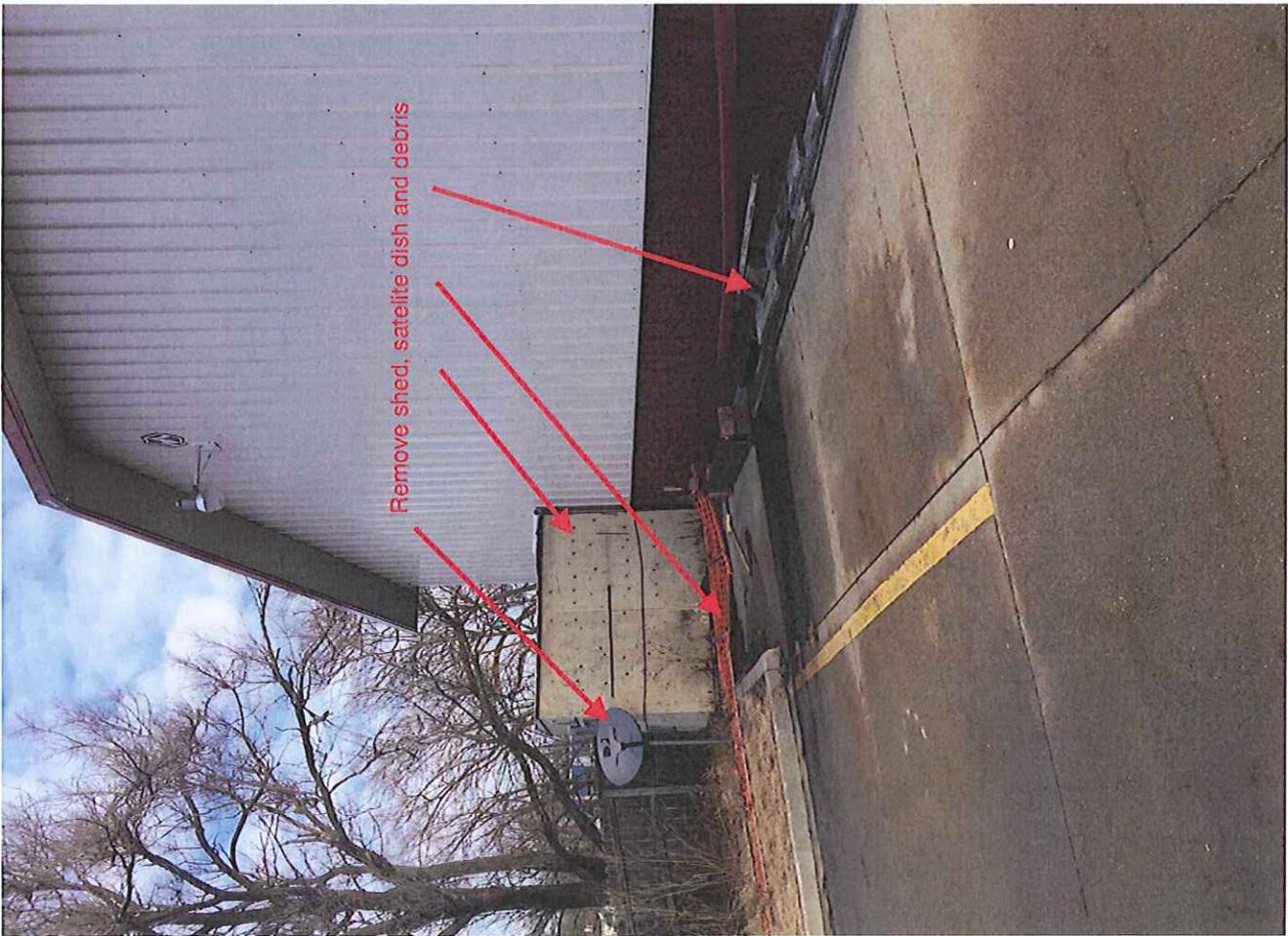
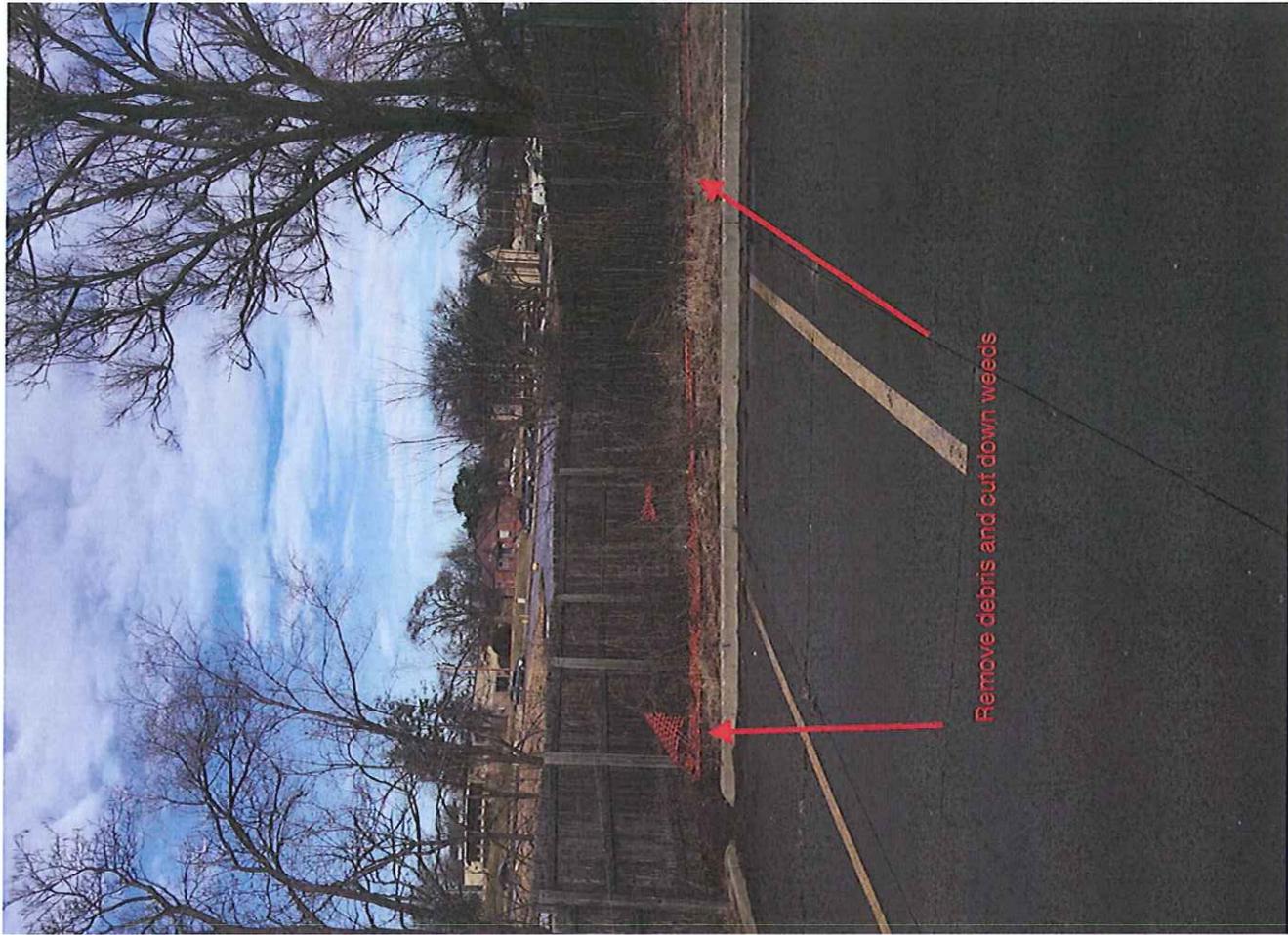
Pictures:

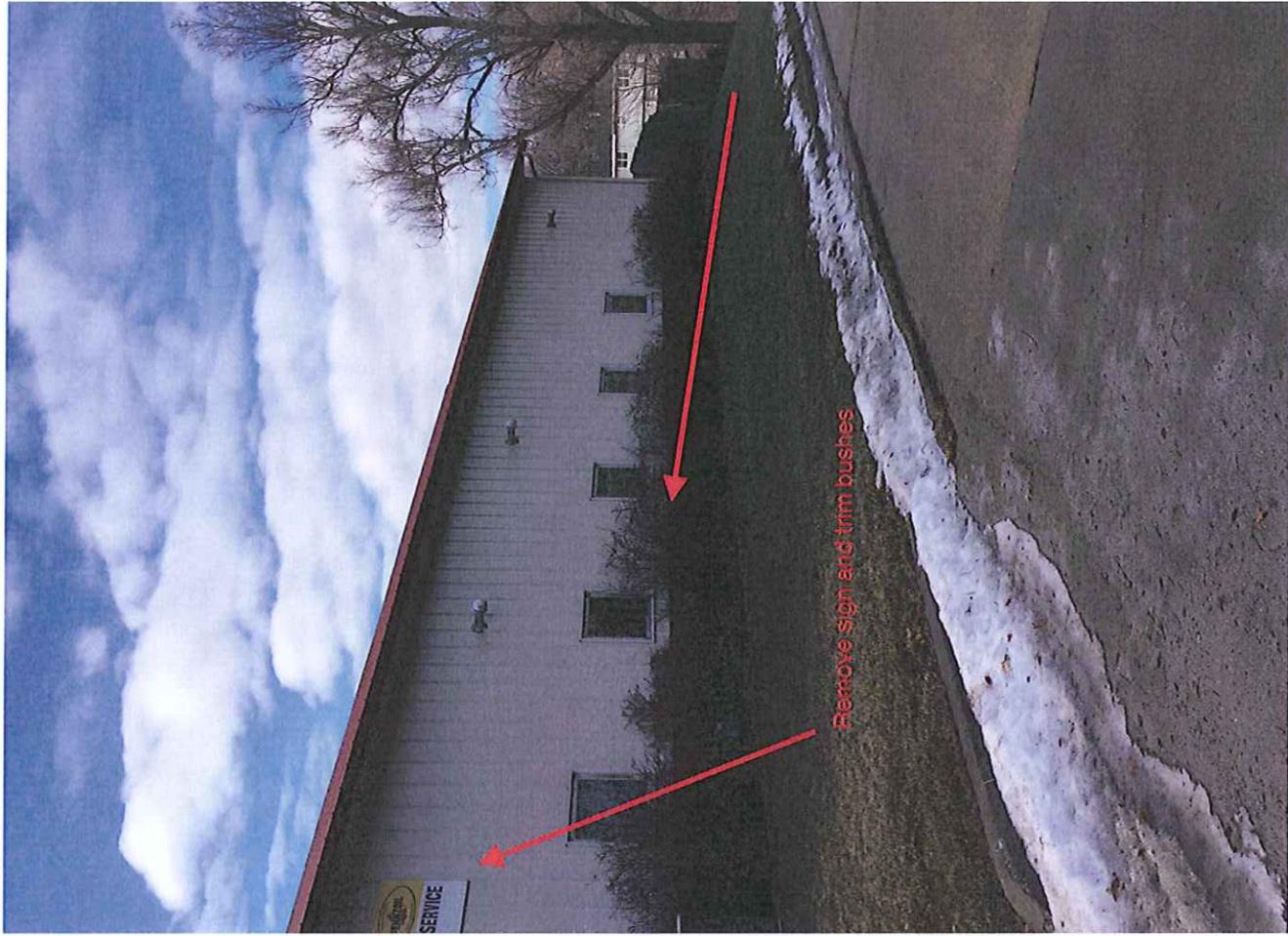
These items will be cleaned up and will take place as soon as the purchase takes place

Trees / Bushes:

The existing landscaping has obviously not been taken care of, all the bushes need trimmed or replaced along with the edging that is half missing. Any bushes to be removed will be replaced with with new and the same count

Bob Irving

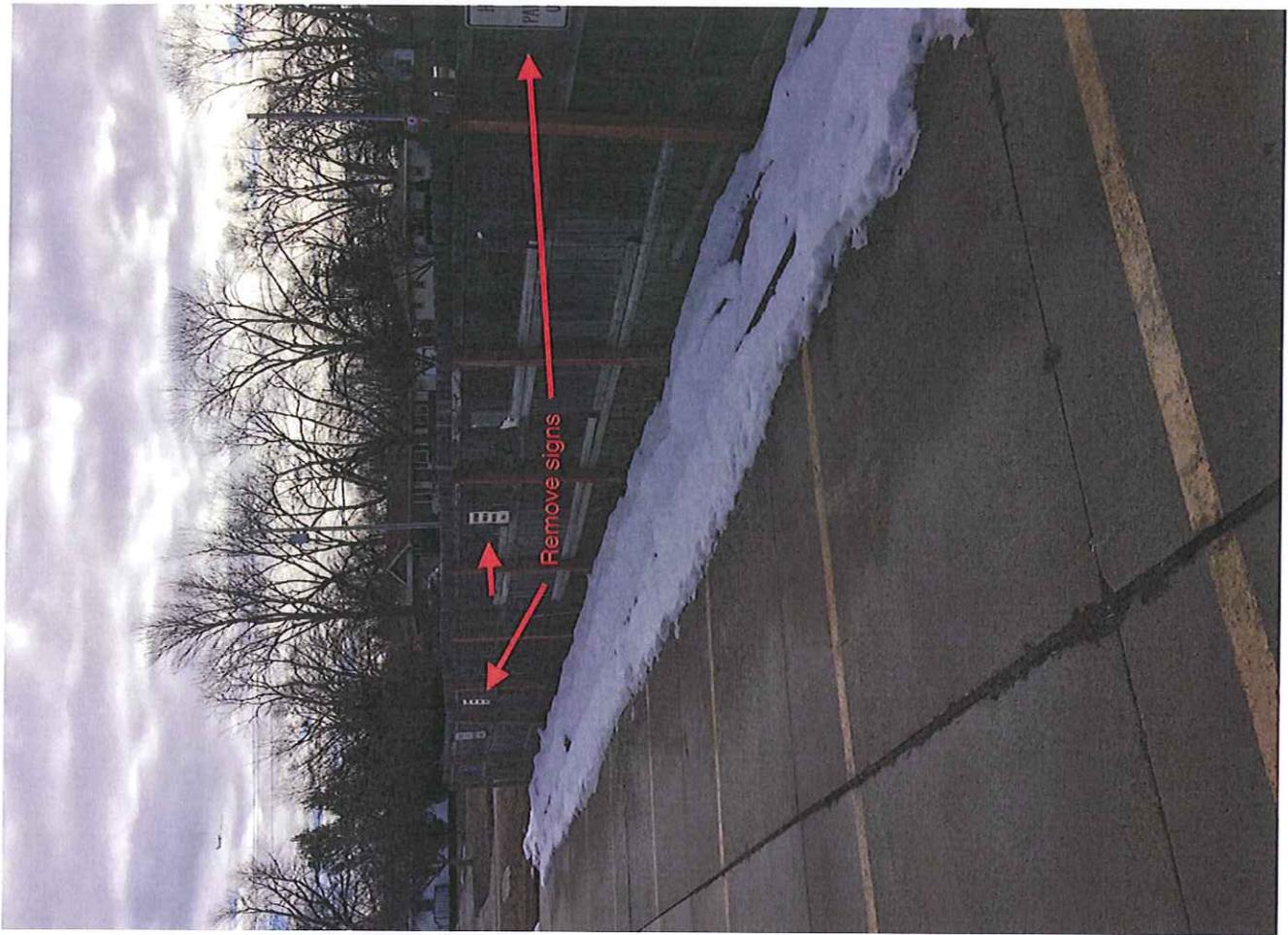




Remove sign and trim bushes

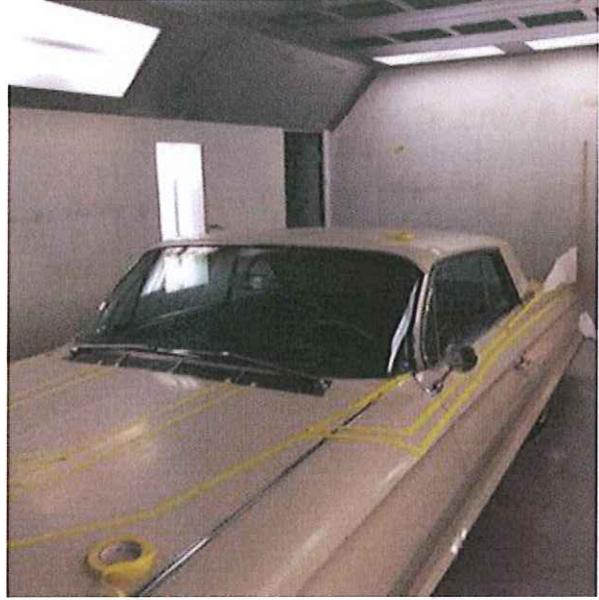


Remove signs and trim down bushes. replace half gone edging

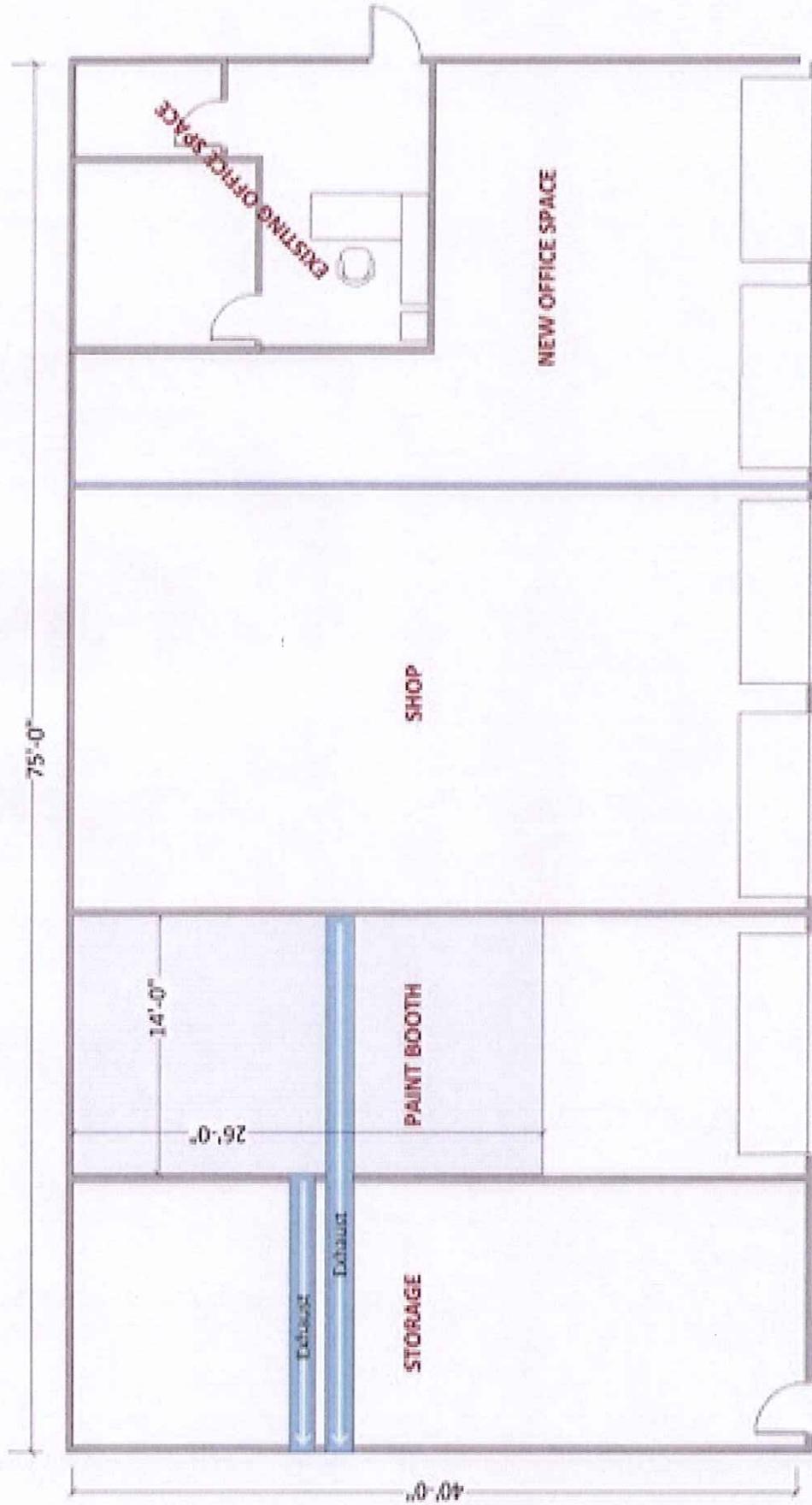




PAINT BOOTH



PLAN 1



From: Jim Voigt <Jim.Voigt@polkcountyiowa.gov>
Subject: Filing Status
Date: January 8, 2015 at 1:22:43 PM CST
To: ""bob@commercialinteriorsiowa.com""
<bob@commercialinteriorsiowa.com>

Good afternoon Bob,

Per our conversation earlier on the phone, if you were to apply for a Polk County Air Quality construction permit for the installation of a paint booth you would be filing as a "Minor Source". By doing so you would agree to follow the conditions of the permit, i.e. paint usage limit, using filters, and abide by any applicable EPA or Polk County Air Quality regulations. In doing so this would keep you well below "Major Source" emission thresholds. Polk County currently has well over 800 "Minor Sources" and less than 20 "Major Sources".

Hopefully this clarifies things for you.

If you have any further questions feel free to contact me.



Jim Voigt

Polk County Air Quality
Air Quality Specialist
5885 NE 14th
Des Moines, IA 501313
P: (515) 286-3705