



STAFF REPORT
Planning & Zoning Commission
For the July 27th, 2016 meeting

TO: P&Z Commission Members
FROM: Jason R. VanAusdall, Building Official
SUBJECT: Modification to existing - CUP: conditional use permit application for Brian Fest

GENERAL INFORMATION

Applicant:

Brian Fest
600 S. 19th St.
WDM, IA. 50265

Property Owner: Brian Fest

Proposed Use: Address the CUP, existing and proposed

Zoning: GC – General Commercial

Location: 6901 Center

QUICK SUMMARY
APPLICABLE SECTIONS

Attached is the original CUP issued on 1-25-12,
I have also included for your review the code sections out of our zoning code that describes the process of approval/disapproval.

Any modification to this CUP needs to be reviewed and acted upon by the P&Z commission with approval by the BOA.

Currently, this property is in violation of 2 modifications:

- A painting company has moved in, with no Tenant Finish permit, and code violations are being looked into.
- A 'Retractable Awning' business is being operated out of the same building, with no action by P&Z or BOA.

-The owner is now asking for permission to operate a used car lot out of the same small building.

167.07 COMMERCIAL USE TYPES.

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

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.

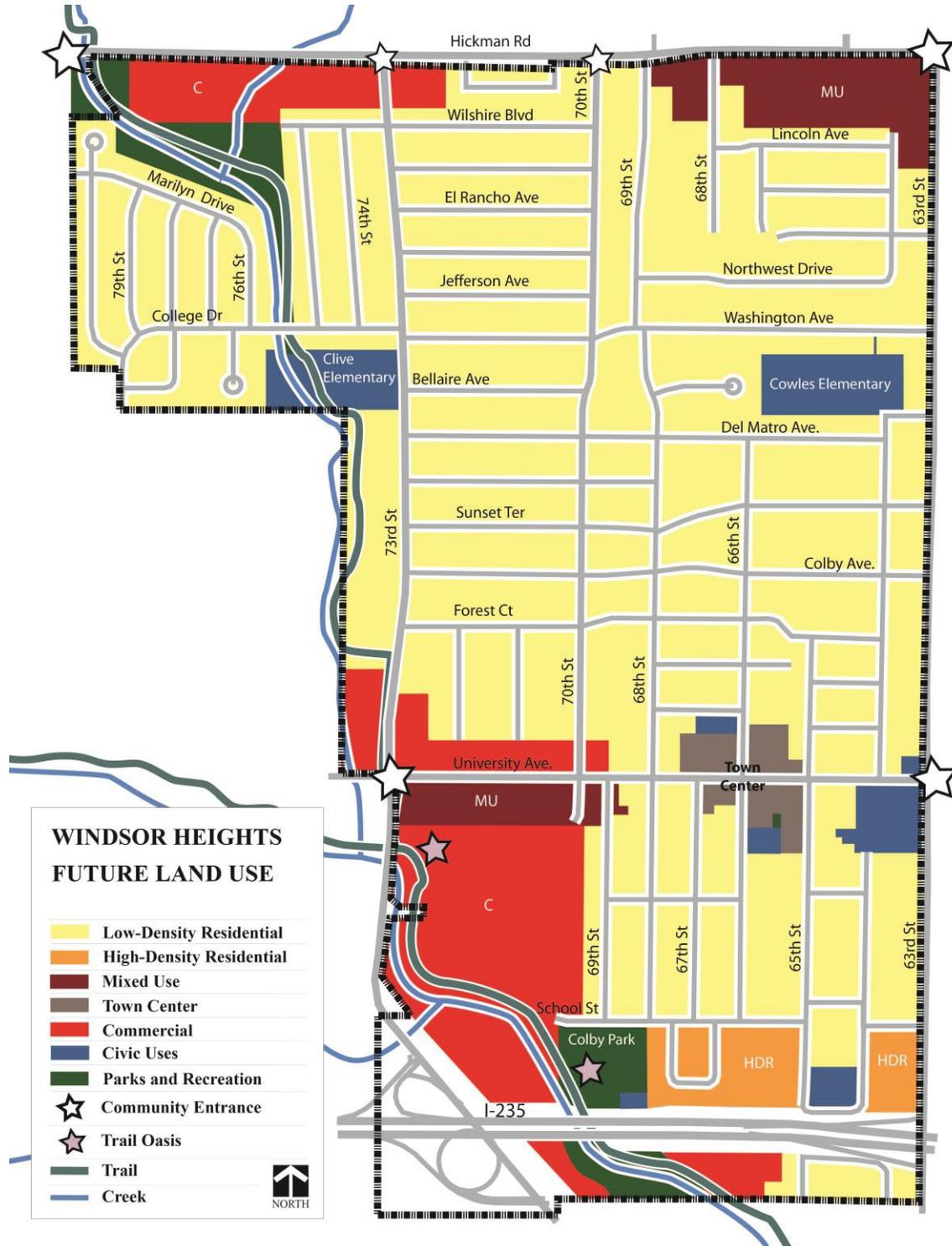
The Commission shall forward recommendations including whether or not to approve or deny the permit. If approval is recommended, the Commission shall include suggested conditions for the conditional or special use permit.

Staff Analysis:

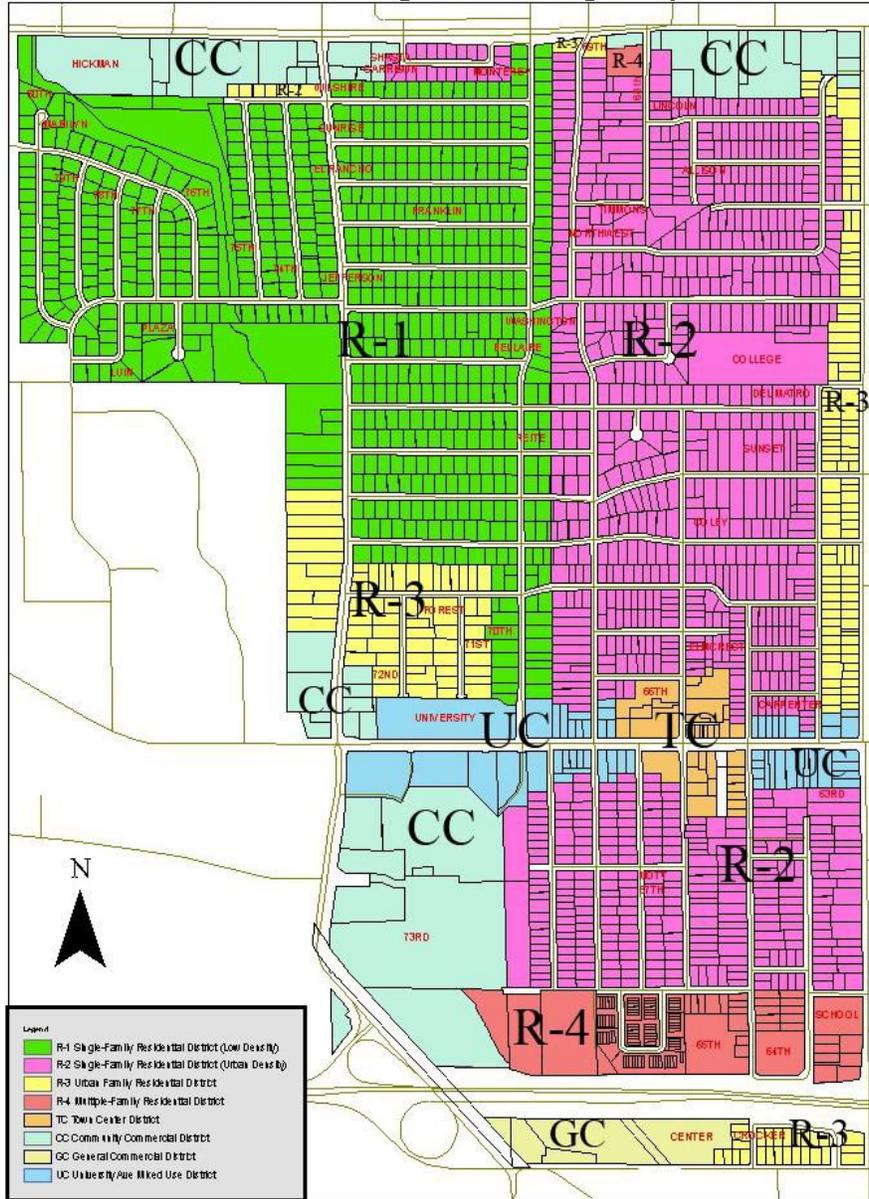
Deny application, CBO will work with owner to bring building into zoning compliance.

FUTURE LAND USE MAP

Below is the most recent adopted Future Land Use Plan (FLUM) which should be used when making decisions on future land use applications. It is not intended to be a zoning map as shown earlier. The FLUM is meant to provide general guidance at a block level and is not meant to provide specificity at the individual property level. The commercial areas designated on the map are intended for commercial and office uses that are oriented toward automobile access. The mixed use areas on the map are intended for areas that encourage combinations of pedestrian-friendly commercial, office and residential.



Windsor Heights Zoning Map



CONCLUSIONS

The Windsor Heights Planning and Zoning Commission may recommend one of the following to the Board of Adjustment:

1. Accept and approve CUP02-12 as proposed.
2. Accept and approve CUP02-12 as proposed with conditions.
3. Deny CUP02-12 as proposed.

PROPOSAL FOR USE

Property Address: 6901 Center Street, Windsor Heights

Lessee: Performance One

Mike Sears, Shawn Chew 515-238-4407

Lessor: Brian Fest

Current Zone: GC

- We would like to propose the use of this property for a small used auto sales lot.
- The property currently meets all state requirements for an Iowa dealers licenses.
- Objective is to maintain the properties as it is now, with no changes or alterations.
- We will keep a neat, clean and organized appearance of the building and exterior.
- Shawn Chew has 20 years of dealer wholesale and retail experience. Mike Sears is a current Iowa dealer and a long term residence of Windsor Heights.
- Inventory will consist of specialty and unique European and import vehicles, 2001 to 2008 models.
- Low number of vehicles on display with quick turnaround. No non running or damaged vehicles.
- We desire to be an asset to Windsor Heights and a part of the business community.

Google Maps 6901 center street windsor heights iowa



Map data ©2016 Google 20 ft

CL des moines >
housing >
office & commercial

Posted: 6 days ago

\$1200 / 1600ft² - Office Garage (Windsor Height)



2 offices reception area storage restroom 2 1/2 car garage additional outside storage available
\$1,200 per month plus utilities
Call Brian 979-4815



1600ft²



• do NOT contact me with unsolicited services or offers



Brian Fest
West Des Moines Storage
600 S. 19th Street
West Des Moines, IA 50265

January 17, 2012

City of Windsor Heights
Planning & Zoning Commission
1133 66th Street
Windsor Heights, IA 50311

Dear Planning & Zoning Commission:

I am writing regarding a conditional use for the following property:

Street address: 6901 Center Street Windsor Heights, IA 50311

Legal Description: BEG 224.65F E & 33F N OF SW COR THN N 22.21F SE 37.77F W 30.55F
TO POB S 1/2 NW 1/4 SEC 2-78-25; AND -EX S33F- BEG 500F W OF
SE COR THN N 108F NW TO PT 42F SE OF W LN S 59.22F W 27F
S 38.74F SE 78.37F E TO POB LT 49 WINDSOR PLACE

Proposed use: provide outdoor storage for RV's, Campers, trailers etc.

I am offering to start an outdoor storage business at 6901 Center Street to fill the void for Windsor Heights and surround residents to store RV's, campers, trailer etc. The business would provide an alternative for Chapter 60 - Parking Regulations and Chapter 174 - Off Street Parking of the Windsor Heights City Code.

There currently is not an outdoor storage in Windsor Heights or close proximity. By offering the outdoor storage at 6901 Center Street it will coincide with the City of Windsor Heights goal to offer convenient services (see attached City of Windsor Heights website page). Per the Iowa Flood Information System (IFIS) 6901 Center Street is in the flood zone and has limitation for use due to potential flooding (see attached map).

The existing building on the site was previously utilized for used car sales and is currently vacant. It will not be utilized for the outdoor storage facility and will be leased to an interested leasee at some time in the future.

The location of the outdoor storage at 6901 Center Street seems to be a win-win fit:

- Convenient for Windsor Heights residents
- Best use of land due to flooding

Thank you for the opportunity and consideration.

Sincerely,


Brian Fest
West Des Moines Storage
515-979-4815



PLANNING AND ZONING COMMISSION

STAFF REPORT

CONDITIONAL USE PERMIT

City of Windsor Heights

Date of Meeting

January 25, 2012

Subject:

CUP02-12

6901 Center St. Conditional Use Permit

Applicant:

Brian Fest

West Des Moines Storage

600 S. 19th St.

West Des Moines, IA 50265

Staff Project Manager:

Sheena Danzer, City Inspector

PROPERTY INFORMATION:

Property Owner:

William Rice

Legal Description:

BEG 224.65F E & 33F N OF SW COR THN N 22.21F SE 37.77F W30.55F TO POB S1/2 NW
1/4 SEC 2-78-25; AND -EX S33F- BEG 500F W OF SE COR THN N 108F NW TO PT 42F SE
OF W LN S 59.22F W 27F S 38.74F SE78.37F E TO POB LT 49 WINDSOR PLACE
6901 Center St.

Current Zoning:

GC, General Commercial

Current Land Use:

Commercial

Quick Summary:

The purpose of this item is to review a Conditional Use Permit request for an outdoor vehicle storage business for RV's, campers, trailers, etc. at 6901 Center St. The applicant is not proposing any new buildings. This property has been an ongoing violation case with the illegal storage of unlicensed, damaged and/or inoperable vehicles. As of January 1, 2012 all vehicles from the property have been removed. The applicant has thoroughly been working to clean up the property in hopes of turning it around.

APPLICABLE SECTION FROM THE ZONING ORDINANCE:

167.07 Commercial Use Types

2. Automotive and Equipment Services. Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

B. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

F. Vehicle Storage: Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an industrial use type.

167.09 Industrial Use Types

10. Vehicle Storage (Long-Term). Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

PLANNING AND ZONING SCOPE OF REVIEW

Chapter 177.03 Conditional Use and Special Use Procedures states “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.”

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Land Use Compatibility		Staff Comments
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	??
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	N/A
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	Vehicles must be out of the right-of-way.
Building Coverage	Building coverage should be similar to that of surrounding development of possible. higher coverage should be mitigated by landscaping or site amenities.	N/A
Frontage	Project frontage along a street should meet minimum frontage requirements and provide reasonable exposure for the development.	N/A

<p>Parking and Internal Circulation</p>	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>	<p>N/A</p>
<p>Building Design</p>	<p>Architectural design and building materials should be compatible with surrounding areas or highly visible locations</p>	<p>N/A</p>

Staff recommends approval of CUP02-12 with the condition that:

- 1. Sign permits are applied for where applicable**
- 2. An opaque fence or barrier be placed around the perimeter of the property acceptable by the Zoning Administrator. (barbed-wire fences are not allow within the City limits)**
- 3. All vehicles be operable and removed wthln reasonable time in the occurrence of a flooding situation.**
- 4. Parking shall be paved.**
- 5. Any other proposed uses to the property other than outdoor storage of RV's, campers, and trailers be approved first or modify the Conditional Use Permit.**

ALTERNATIVES

The Windsor Heights Planning and Zoning Commission may consider the following four alternatives:

1. Recommend approval of conditional use permit request CUP02-12 to the Board of Adjustment.
2. Recommend approval of conditional use permit request CUP02-12 with conditions to the Board of Adjustment.
3. Recommend denial of conditional use permit request CUP02-12 to the Board of Adjustment.
4. Remand conditional use permit request CUP02-12 back to applicant for modifications and consider at another meeting date and time.

PARKING FOR PERSONAL AND RECREATIONAL VEHICLES.

(1) The parking space is provided on a paved surface connected 1. Applicability. This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pickup trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers under 20 feet in length; and boats. Trucks, tractor cab units, trailers, recreational vehicles, and vehicles over 2.5 tons gross empty weight shall be defined as heavy commercial vehicles. 2. Location of Parking A. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district. B. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way. C. Parking of personal vehicles may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the Zoning Administrator determines that such parking conforms to the provisions of this Zoning Code, meets the following conditions:

- (2) (1) The parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
- (3) (2) The paved parking does not exceed the maximum impervious coverage limit for the lot.
- (4) D. Heavy commercial vehicles, including tractor cab units weighing more than 2.5 tons gross empty weight, and recreational vehicles shall not be

parked on any lot within the RI, R2, R3, R4 and MH residential zoning districts, except as provided below.

3. Special Provisions for Recreational Vehicles and Boats. Parking and storage of recreational vehicles and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for the parking of Personal Vehicles. A. Recreational vehicles and boats must be maintained in a clean, wellkept state. B. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.

C. Recreational vehicles may be used as temporary housing by nonpaying guests for a maximum of three consecutive days or 14 days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times. D. Recreational vehicles and boats may not be permanently connected to utility lines. E. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle. F. If at all physically feasible on a lot, recreational vehicles and boats shall be parked outside of required front yard and street side yard setbacks if the Zoning Administrator determines that such parking conforms to the provisions of this Zoning Code and if such parking meets the following conditions:

- (1) For all boats equal to or exceeding 16 feet in length, the parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
- (2) For all boats less than 16 feet in length, the parking space provided is a separate or stand-alone paved surface with its width equal to or exceeding the width of the boat and with its length equal to or exceeding the length of the boat.