**Docket Number**: 21/10954

**Applicant:** Zerron Horton (Tenant)
2647 Aurora Avenue
Des Moines, IA 50310

**Property Owner:** Daralee LLC
Attn: Michael R. Allen
542 462nd Avenue
Grinnell, IA 50112

**Request**: The applicant is requesting a Conditional Use Permit in order to establish a Moderate Industry use of a Stone, Clay, Glass and Concrete Products (NAICS Code 3271) operation as a glass blowing and lampworking production and education studio with an accessory retail component at the property addressed as 5201 NE 14th Street, Suite C, Des Moines.

**Subject Property / Surrounding Land Uses:**

The subject property is located approximately 700-feet north of the intersection of NE 14th Street and NE 51st Avenue, and is legally described as a Portion of Lot 1, Iowa Fund Inc Industrial Park Subdivision, in Section 13, Township 79 North, Range 24 West of the 5th P. M. (Saylor Township). The subject property is approximately 1.9 acres in area and is utilized as a multi-tenant commercial/industrial space. The applicant is leasing one bay that is approximately 3,450 square feet in area.

The subject property is zoned "LI" Light Industrial District. The property was conditionally rezoned to the "LI" District on August 28, 2007 with Ordinance No. 298, with the restrictive covenant that Outdoor storage will not be permitted on the subject property. Properties to the North, West, and South are zoned "GC" General Commercial District, and properties to the East are zoned "HI" Heavy Industrial District. The corporate limits of the City of Des Moines are an approximately 320-feet southwest of the property. See *Attachment 'A'* for a vicinity map of the subject property and surrounding area.

**Application**

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 2, Table 4.1, Table of Uses* permits Moderate Industry uses within the "LI" Light Industrial District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The applicants are proposing to convert a 3,450 square foot tenant suite in an existing building into a glass blowing and lampworking production and education studio. The use is considered to be of the Moderate Industry use of a Stone, Clay, Glass and Concrete Products (NAICS Code 3271) due to the glass blowing component being considered the manufacturing of glass products. The use would also have a retail component where tools, raw material, and other equipment would be sold. See *Attachment 'B'* at the end of this report for a copy of the application that includes a written description of the proposed use.

If this Conditional Use Permit application is approved, the applicants are required to submit a Change of Use Permit and Building Permit Application, and would be required to meet all applicable Building Codes. Review of the construction plans and issuance of a Building Permit is

also required from Polk County Public Works prior to construction. No external site work is proposed at this time.

**Public Testimony**

Staff mailed out 30 notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 500-foot notification boundary. To-date staff has received no responses in support or in opposition of this application.

**Natural Resources / Environmental**

The subject property is not located within a mapped floodplain, nor does it contain other mapped environmental hazards or features. The site is mostly flat, with an elevation change of fourteen (14) feet from the highpoint at the northern portion of the property, to the low point at the southeastern corner of the property. Stormwater is controlled by a detention pond along the southern property line. No additional building area or exterior site improvements are proposed as a part of this request. Ventilation will be required to comply with all Polk County Air Quality standards.

**Roads / Utilities / Access**

The subject property gains primary access to NE 14th Street/US Highway 69 from a shared driveway access at the northern portion of the property. There is a small parking and loading dock area at the rear of the building, which is accessed by two access points onto NE 15th Street, and does not connect to the main parking area. Costumers will access the site via NE 14th Street. Access will not change as a result of the approval of this Conditional Use Permit.

The subject building is connected to a Polk County Sanitary Sewer line that is located in NE 15th Street. Des Moines Water Works provides potable water to the site via an 8-inch water main located in the Right of Way of NE 15th Street.

**Analysis**

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of the following:

1. **Existing zoning and land use in the vicinity of the uses.**
   The subject property is zoned "LI" Light Industrial District, and is surrounded by properties zoned "GC" General Commercial District to the North, West, and South, and properties zoned "HI" Heavy Industrial District to the East. The area around the properties is generally commercial and industrial in nature, and the proposed use would be compatible with nearby uses.

2. **Planned and proposed public and private development, which may be adversely affected by the proposed use.**
   There are currently no major public or private developments planned in the area.

3. **Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.**

The subject property is located in an area of primarily commercial and industrial uses, which is consistent with the proposed use of the rented suite.

4. **Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.**
There will be no outside storage on the subject property, with all portions of the business being conducted entirely within the existing building. The applicant will be required to comply with all building and air quality codes, and will be required to obtain all required permits prior to remodeling the existing building.

**Findings**

The application shall be denied if the Board of Adjustment finds any of the following:

a. **The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.**
Following approval of the Conditional Use Permit the applicants are required to provide construction plans for review and approval by Polk County, prior to any construction.

b. **The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**
The proposed use will be consistent with the standards of the Zoning Ordinance with the granting of the Conditional Use Permit. Additionally, the required building permit review will ensure compliance with all County requirements for the use.

c. **The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.**
The proposed use on the property will utilize the existing entrance and access point to the site with concern for site distance and visibility. Building permit and Air Quality permit review will ensure the proposed use will be constructed and operated safely.

**In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:**

A. **The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**

1. **Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan. The subject property is located within the North Central Area Plan, which features the most urbanized areas of unincorporated Polk County. Surrounding properties are classified on the Future

Land Use Map as Commercial and Industrial in nature. The location of the proposed use in an existing multi-tenant commercial/industrial building is consistent with North Central Area Goals of growing the tax base through economic development, agricultural land protection by not furthering sprawl through new development, and development in existing commercial areas.

2. **Polk County Zoning Ordinance:** The Zoning Ordinance allows the proposed use pending approval of this Conditional Use Permit by the Board of Adjustment, and pending the approval of building permit review, issuance and inspections, as well as completion of all improvements and issuance of a certificate of occupancy by Polk County Public Works.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

**B. The proposed location of the use is not consistent with policies or provisions of the following:**

1. **Comprehensive Plan:** The location of the proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.

2. **Polk County Zoning Ordinance:** Moderate Industry uses are allowed within the "LI" Light Industrial District, subject to approval of a Conditional Use Permit by the Board of Adjustment.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** The use will be required to comply with all Polk County Ordinances and Codes, including the Polk County Building Code, Air Quality Division, as well as Engineering and Planning. Major requirements would include construction plan review, building permits, and building inspections.

**C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**

1. **Adjacent property:** Property owners within 500 feet were notified of this request with, with no responses received in support or in opposition of the request. There are no exterior improvements proposed at this time, with the exception of possible mechanical improvements to the building. The proposal will have minimal impact on adjacent properties.

2. **Character of the neighborhood:** The proposed use will likely fit in with the character of the neighborhood, as it is primarily commercial and industrial properties.

3. **Traffic conditions:** Access to the site comes from an existing shared drive entrance onto NE 14th Street/US Highway 69. Access to the site will not change as a result of the approval of the Conditional Use Permit.

4. **Parking:** The proposed use will be required to comply with all parking requirements. Parking compliance will be confirmed with the review of the Building and Change of Use Permits. The site is currently in compliance with parking requirements as a result of an approved Site Plan in July of 1996.

5. **Public improvements:** There are no known public improvements that will be impacted by the proposed use of the property.

6. **Public sites or rights-of-way:** No public site or projects are planned for the area in the near future.

7. **Other matters affecting the public health, safety, and general welfare:** None.

**D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.**

1. **Public improvements:** Adequate for proposed use.

2. **Public facilities:** Adequate for proposed use.

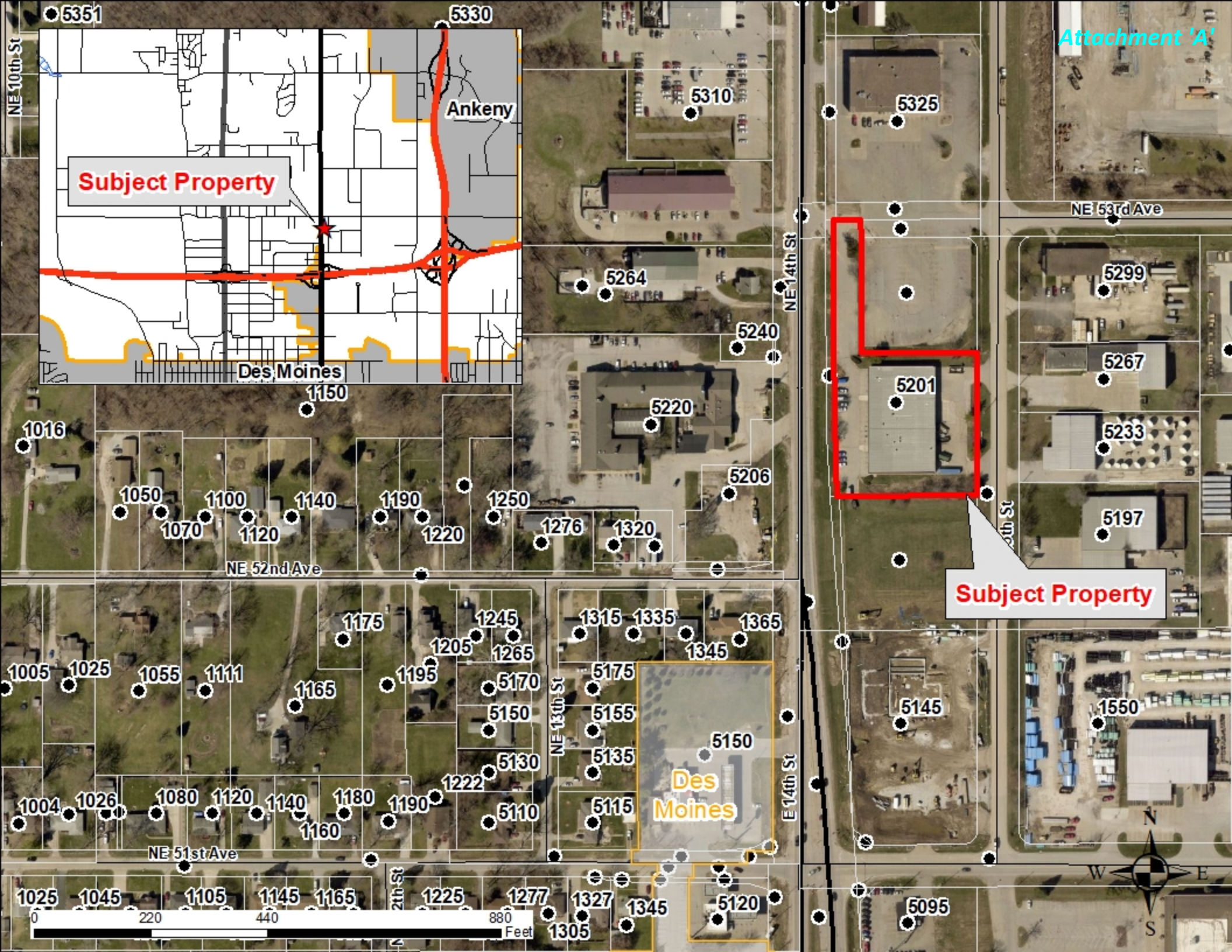
3. **Public utilities:** Adequate for proposed use.

4. **Public services:** Adequate for proposed use.

**Recommendation**

Staff recommends approval of the Conditional Use Permit to allow for a Moderate Industry use of a glass blowing and lampworking production and education studio at the property addressed as 5201 NE 14th Street, Des Moines, subject to the following conditions:

1. Approval of all applicable building and air quality permits.
2. Approval of a Change of Use Permit
3. This Conditional Use Permit is only valid for the property address of 5201 NE 14th Street, Suite C, for the Moderate Industry Use of Stone, Clay, Glass and Concrete Products (NAICS 3271) for use of the space as a glass blowing and lampworking production and education studio with accessory retail component.
4. This Conditional Use Permit is only valid for the applicant, Zerron Horton, or his business, Unkl Ruckus's Smoking Emporium and Skate Shop, to operate the proposed use as approved. Any change in ownership requires rehearing and re-approval of the Conditional Use Permit.


Attachment 'A'
Subject Property
Ankeny
Des Moines
NE 10th St
NE 14th St
NE 53rd Ave
NE 52nd Ave
NE 51st Ave
NE 13th St
E 14th St
Des Moines
5351
5330
5310
5325
5264
5240
5299
5267
5201
5233
5220
5206
5197
5145
1550
5150
5120
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1335
1345
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1005
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1055
1111
1165
1195
5170
5150
5175
5155
5135
5130
5115
5110
1222
1004
1026
1080
1120
1140
1160
1180
1190
1025
1045
1105
1145
1165
1225
1277
1305
1327
1345
0
220
440
880
Feet
N
S
W
E

Attachment 'B'

# Conditional Use Permit Application

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.

POLK COUNTY
Leading the Way

Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

(time stamp)
Official Use Only

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)
Lampworking Educational & Production Studio

2. Subject Property Address: 5201 NE, 14th St, Suite C, Des Moines, IA 50313

3. Subject Property District and Parcel Number: 270/01606-001-005

4. Subject Property Legal Description (attach if necessary):
Industrial Flex Space.

5. Filing Fee: - $413.00

6. Applicant(s) Information:

| | | |
|---|---|---|
| Zerron Horton | Zemon Horton | 10.5.21 |
| Applicant (Print Name) | Signature | Date |

| | |
|---|---|
| Renter | Z.horton@unklruckuss.com |
| Interest in Property (owner, renter, perspective buyer, etc.) | Email |

| | | |
|---|---|---|
| 2647 Aurora Ave, Des Moines, IA 50310 | (319) 759-6547 | N/A |
| Address, City, State and Zip | Phone | Fax |

7. Applicant(s) Representative:
If the appeal is going to be represented by someone other than the applicant please provide that information below.

| | |
|---|---|
| Michael R. Allen | Daralee LLC |
| Applicant Representative (Print Name) | Firm or Business Name |

542 462nd Ave Grinnell, Ia 50112
Address, City, State and Zip

| | | |
|---|---|---|
| allen.miker@gmail.com | 641-990-9890 | NA |
| Email | Phone | Fax |

8. Property Owner Consent:
The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

| | | |
|---|---|---|
| michael R. Allen | | 10-5-21 |
| (Print Name) | Signature | Date |
| | | |
| (Print Name) | Signature | Date |

9. Written description:

Please provide a written description providing specific detail and reasons for the proposed Conditional Use Permit. (attach if necessary)

Since the building is Zoned light industrial we must apply for the conditional use permit as our intended use is for glass blowing/lampworking. Although this is very similar to welding it still works with an open flame and must be accommodated properly.

We plan on altering the spaces ventilation gas and buildout to be sure all things are done to code and will have the proper safety features for safe work/occupation.

We will need to install an industrial exhaust hood to release the space of any fume produced by off gases. We will also need to add hardlines for gas and oxygen use for our work areas as well as build out a small room for coldworking that is separate from our general work area.

I have attached images of equipment as well as similar studios that are prominent in other states as a reference for how we will be approaching our build out. Please feel free to reach out with any questions or concerns directly if need be for clarification.

10. Required Information: (must be included prior to making submittal)

A. Complete Application including the detailed description of requested Conditional Use Permit, including specific information about the request.

B. Submit six (6) copies of a fully dimensioned, to scale site plan meeting site plan requirements, as required.

1. Provide additional information as required by Zoning Ordinance specific to the use requested.
2. Submit a reduced size, 11"X17" site plan that is legible that can be reproduced.

**A completed application with required information and filing fee must be submitted. Incomplete submittals will not be processed and will be returned to the Applicant.**

Return forms to: Polk County Public Works, Planning & Development Division 5885 NE 14th Street
Des Moines, IA 50313
▪ Phone (515) 286-3705 ▪ Fax (515) 286-3437 ▪
email: PublicWorks@polkcountyiowa.gov

Forms available online http://www.polkcountyiowa.gov/PublicWorks/ BOA Calendar Calendar

| OFFICIAL USE ONLY | | | |
|---|---|---|---|
| Received by | | Docket Number | |
| Application deadline | | Date Received | |
| BOA meeting date | | BOA Approved | Y / N |

## Conditional Use Permit Standards

### Section 1. Review Standards

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use against the local impact which it may cause. The review shall consider the proposal in terms of:

(A) Existing zoning and land use in the vicinity of the use; and

(B) planned and proposed public and private developments which may be adversely affected by the proposed use; and

(C) whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public or which will contribute to the general welfare of the area or Polk County; and

(D) whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

### Section 2. General Standards

No application for a conditional use permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Polk County Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.

(A) The proposed location and use shall be consistent with policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.

(B) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.

(C) The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any public improvements, facilities, utilities, and services. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Polk County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.