



Date March 23, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM  
R&S LAND HOLDINGS, LLC (OWNER) TO REZONE PROPERTY LOCATED AT  
2052 ANKENY AVENUE FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL  
DISTRICT TO "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL  
DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2015, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from R&S Land Holdings, LLC (owner), represented by Ron Holt (officer), to rezone real property locally known as 2052 Ankeny Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the adjoining commercial animal feed store and garden center, subject to the owner agreeing to the following conditions:

1. The following uses shall be prohibited on the Property:
  - a) Adult entertainment businesses;
  - b) Businesses selling liquor, wine, or beer;
  - c) Delayed deposit services;
  - d) Off-premises advertising signs;
  - e) Pawn brokerages; and
  - f) Vehicle display lots; and
2. Redevelopment of the Property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center, whereby any commercial site is brought into compliance with the current Des Moines Landscaping Standards as applicable to "C-2" Districts; and

**WHEREAS**, the Property is legally described as follows:

Lot 32, and the South ½ of the vacated alley right-of-way lying North of and adjoining said Lot 32, READ'S ADDITION TO DES MOINES, an Official Plat, all 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 in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on April 6, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.

19

**Date** March 23, 2015

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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.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2015-00027)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

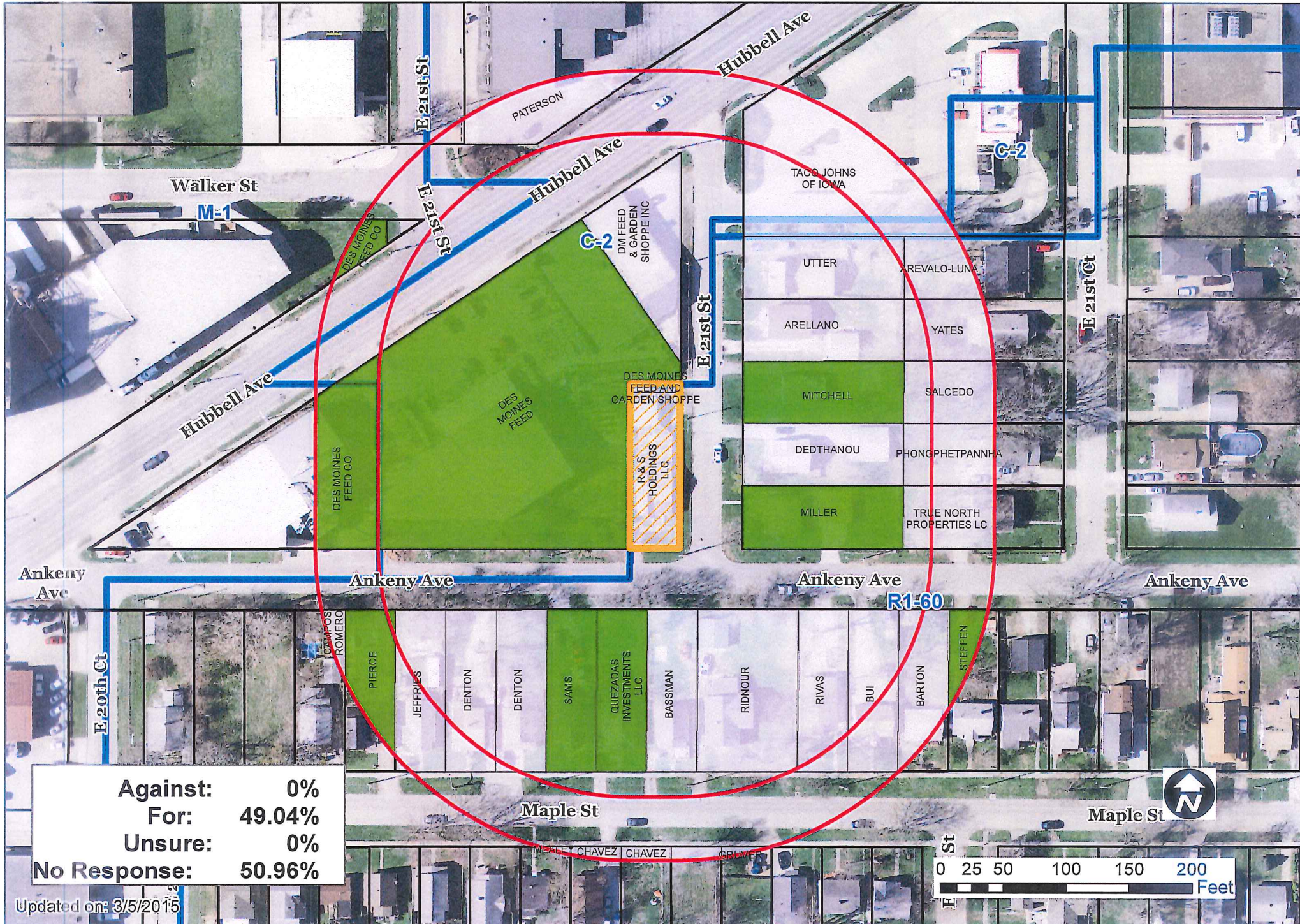
**CERTIFICATE**

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 \_\_\_\_\_

Agenda Item 19

Roll Call # \_\_\_\_\_



March 17, 2015

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 March 5, 2015, the following action was taken regarding a request from R&S Land Holdings, LLC (owner) represented by Ron Holt (officer) to rezone property located at 2052 Ankeny Avenue.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
William Page				X
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

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

By separate motion Commissioners recommended 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
William Page				X
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the request to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. (21-2015-4.04)

By separate motion Commissioners recommended 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
William Page				X
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the requested rezoning to a Limited "C-2" District subject to the owner of the property agreeing to the following conditions: (ZON2015-00027)

1. Prohibit the use of the property for adult businesses; businesses selling liquor, wine, or beer; vehicle display lots; off-premises advertising signs; pawn brokerages; and delayed deposit services.
2. Redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center whereby any commercial site is brought into compliance with the current Des Moines Landscaping Standards as applicable to "C-2" Districts.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

Part B) Staff recommends approval of the request to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.

Part C) Staff recommends approval of the requested rezoning to a Limited "C-2" District with the owner of the property in agreement to the following conditions:

1. Prohibit the use of the property for adult businesses; businesses selling liquor, wine, or beer; vehicle display lots; off-premises advertising signs; pawn brokerages; and delayed deposit services.
2. Redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center whereby any commercial site is brought into compliance with the current Des Moines Landscaping Standards as applicable to "C-2" Districts.

### Written Responses

7 In Favor

0 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to assemble the subject property with the existing feed and garden store commercial site, to allow future expansion or redevelopment.
2. **Size of Site:** 5,279 square feet.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Vacant property with a 440-square foot residential garage. A single-family dwelling was recently demolished and removed from the property.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-2", Use is a feed and garden retail center.
  - South** – "R1-60", Uses are single-family dwellings.
  - East** – "R1-60", Uses are single-family dwellings.
  - West** – Limited "C-2", Use is a feed and garden retail center.



6. **General Neighborhood/Area Land Uses:** The subject property is located along the Hubbell Avenue commercial corridor where commercial and industrial uses transition to the single-family residential neighborhood to the east and south. It was the last property on the block to contain a residential use.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Fairground Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on February 13, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on February 13, 2015 (20 days prior to the scheduled hearing) and on February 23, 2015 (10 days prior to the scheduled hearing) to the Fairground Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 27, 2015.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Fairground Neighborhood Association mailings were sent to Sharon Cooper, c/o FNA, P.O. Box 8057, Des Moines, IA 50301.

The applicant held their neighborhood meeting on February 20, 2015. A summary of the neighborhood meeting will be provided at the hearing.

8. **Relevant Zoning History:** Property owned by the applicant to the west was rezoned by the City Council to a Limited "C-2" District on October 21, 1991, by Ordinance No. 11,736 subject to the following conditions:
  - a. Except where an existing building wall is located, a 6 foot high opaque fence shall be constructed prior to June 1, 1992, which fence shall be set back 25 feet from the South property line.
  - b. A landscaping screen shall be installed between the constructed fence and the South property line prior to June 1, 1992 which landscaping screen shall consist of 6 foot high evergreens spaces 15 feet on center.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** The property was previously developed with a single-family dwelling, which was recently removed. There are not any significant natural features on the property.

2. **Drainage/Grading:** The property will provide an opportunity for stormwater detention as part of the anticipated redevelopment of the adjoining commercial site. The property is generally flat but would be shaped as part of a commercial redevelopment Site Plan.
3. **Utilities:** The property has access to public sanitary sewer mains in East 21<sup>st</sup> Street and Ankeny Avenue. There is a public storm sewer main and a Des Moines Water Works water main available in East 21<sup>st</sup> Street.
4. **Traffic/Access:** The property has frontages on East 21<sup>st</sup> Street and Ankeny Avenue. Access for any commercial redevelopment would be reviewed with a Site Plan.
5. **Des Moines' 2020 Community Character Plan:** The subject property had the last remaining residential dwelling on the block. The remaining portions of the block contain commercial and industrial uses. The block is separated from residential development by public streets to the east and south. Standard site development requirements for landscaping, setbacks and screening offer adequate protection to those residential areas to provide an appropriate transition from the Hubbell Avenue commercial corridor into the residential areas to the south and east. There are uses that would be allowed in "C-2" Districts that would not be appropriate in such close proximity to the residential neighborhood such as adult businesses; businesses selling liquor, wine, or beer; vehicle display lots; off-premises advertising signs; pawn brokerages; and delayed deposit services.
6. **Staff Rationale:** It is difficult to protect one single-family dwelling on a block when the remaining portions of the block contain industrial and commercial development. Taking the property out of a residential zoning designation will allow a better opportunity for site redevelopment of the adjoining commercial use, which can then provide for better stormwater management and landscaping solutions to better protect the residential neighborhood areas nearby to the east and south.

## SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Ron Holt stated that they are asking to assemble the subject property with the existing feed and garden store commercial site, to allow future expansion or redevelopment. They have no intention on building on that property or use it for any freestanding building.

Jonathan Rosenbloom asked for an explanation as to who demolished the house, was it before it was purchased by the applicant or did the applicant tear the house down.

Ron Holt stated last week is when they signed the paper becoming the owner of this piece of property. The entire area is all family owned. He and his dad purchased this particular piece of property from his uncle. His uncle gave them permission to tear down the house.

Jonathan Rosenbloom asked how long has their family been in this location.

Ron Holt stated his family has been there since 1944.



Jonathan Rosenbloom asked what is between the building and the adjoining property.

Ron Holt stated that is a water retention area.

Jonathan Rosenbloom asked how high the building is.

Ron Holt stated 2-stories high.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

There was no one to speak in favor or in opposition of the applicant's request.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jonathan Rosenbloom noted that this is the second time the Commission has listened to similar issues in a month. The applicant purchased the property between the residential area and the commercial and mixed use area and demolished the building prior to getting rezoning approval. He believes that this problem that the applicant created and he finds it troubling.

Mike Simonson stated this property is a remnant piece of property. He pointed out that there are no neighbors, every response card received was in support of the applicant's request.

Mike Ludwig asked that the applicant provide history of zoning on the property when the last building was constructed in 1991.

Ron Holt stated it was all zoned commercial at that time. They did hold a neighborhood meeting and only 1 resident attended. That resident's concern was if the entire block is zoned commercial would her taxes increase? He could not answer that question.

Mike Ludwig asked if the subject property was previously owner-occupied or rental property.

Ron Holt pointed out the ownership of the property surrounding was owned by his family. His uncle owned the house that was on the property and he was disabled and lived in that house until about 6 to 8 months ago when he was moved closer to another family member for care. When he was living there in that house it was very run down, and constantly battling water in the basement. No one maintained it.

Mike Ludwig pointed out that the reason he was asking those questions was because of Commissioner Simonson comment about the parcel being remnant. He wanted to point out that the only reason this property was left residential was because of the occupant in it and the ownership by their family. Had that not been the case he believes that this parcel would have been rezoned previously. The street is really the boundary between the uses in the neighborhood. Staff believes that this is an appropriate rezoning of the parcel.

Jonathan Rosenbloom stated he disagreed that a street could serve as an adequate buffer. He asked if the rezoning was approved could they build on that lot a similar size structure in terms of height and the shear wall of that.

Mike Ludwig stated a similar height commercial building could be built if they met the setback requirements. He also noted that the existing residential zoning allows up to a 35 foot tall building.

**COMMISSION ACTION:**

Mike Simonson moved staff recommendation that the requested rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan land use map.

Motion passed 9-0.

Mike Simonson moved staff recommendation for approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.

Motion passed 9-0.

Mike Simonson moved staff recommendation for approval of the requested rezoning to a Limited "C-2" District with the owner of the property in agreement to the following conditions:

1. Prohibit the use of the property for adult businesses; businesses selling liquor, wine, or beer; vehicle display lots; off-premises advertising signs; pawn brokerages; and delayed deposit services.
2. Redevelopment of the property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center whereby any commercial site is brought into compliance with the current Des Moines Landscaping Standards as applicable to "C-2" Districts.

Motion passed 9-0.

Respectfully submitted,

Michael Ludwig, AICP  
Planning Administrator

MGL:clw

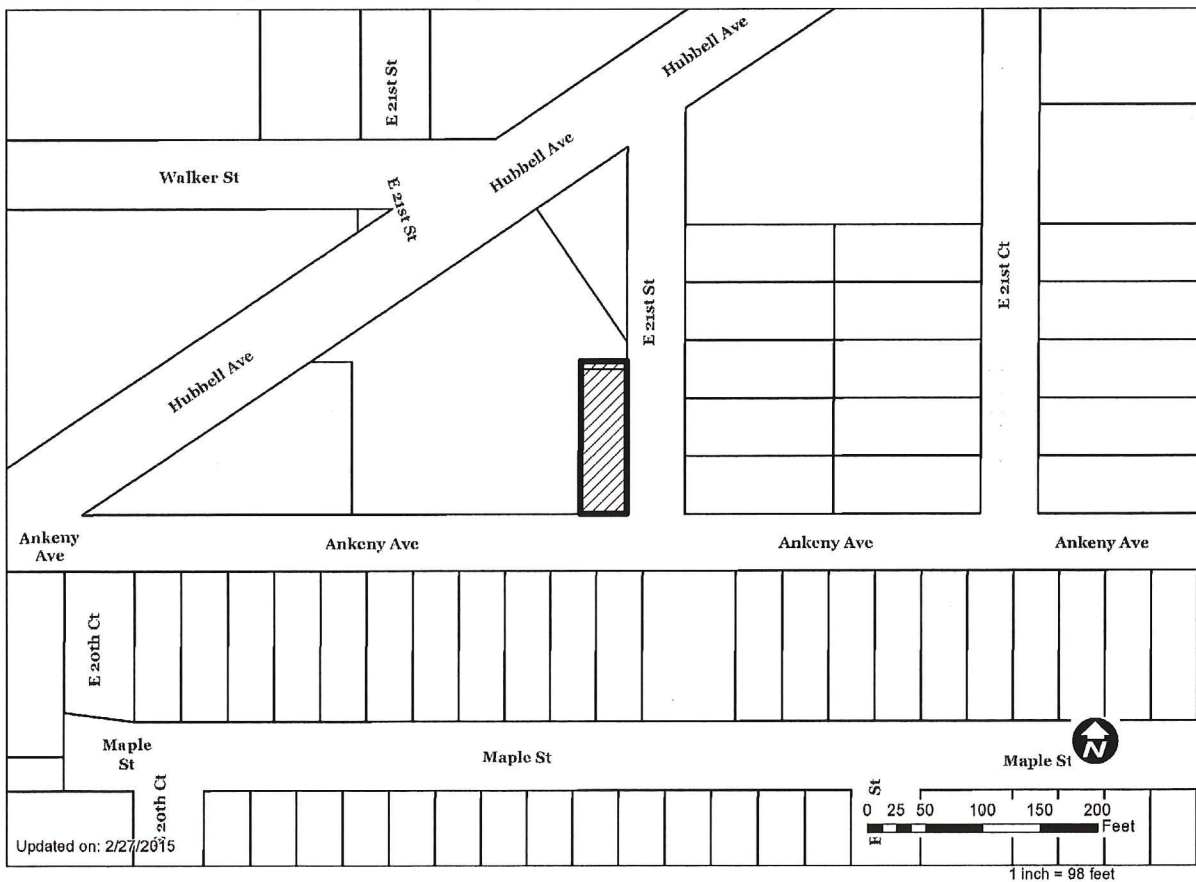
Attachment



R & S Land Holdings, LLC (owner) represented by Ron Holt (officer) for property located at 2052 Ankeny Avenue.			<b>File #</b> 21-2015-4.04	
<b>Description of Action</b>	Approval of the requested amendment the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.			
<b>2020 Community Character Plan</b>	Current: Low-Density Residential. Proposed: Commercial, Auto-Oriented, Small-Scale Strip Development.			
<b>Horizon 2035 Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.			
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	7	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

R & S Land Holdings, LLC, 2052 Ankeny Avenue

21-2015-4.04

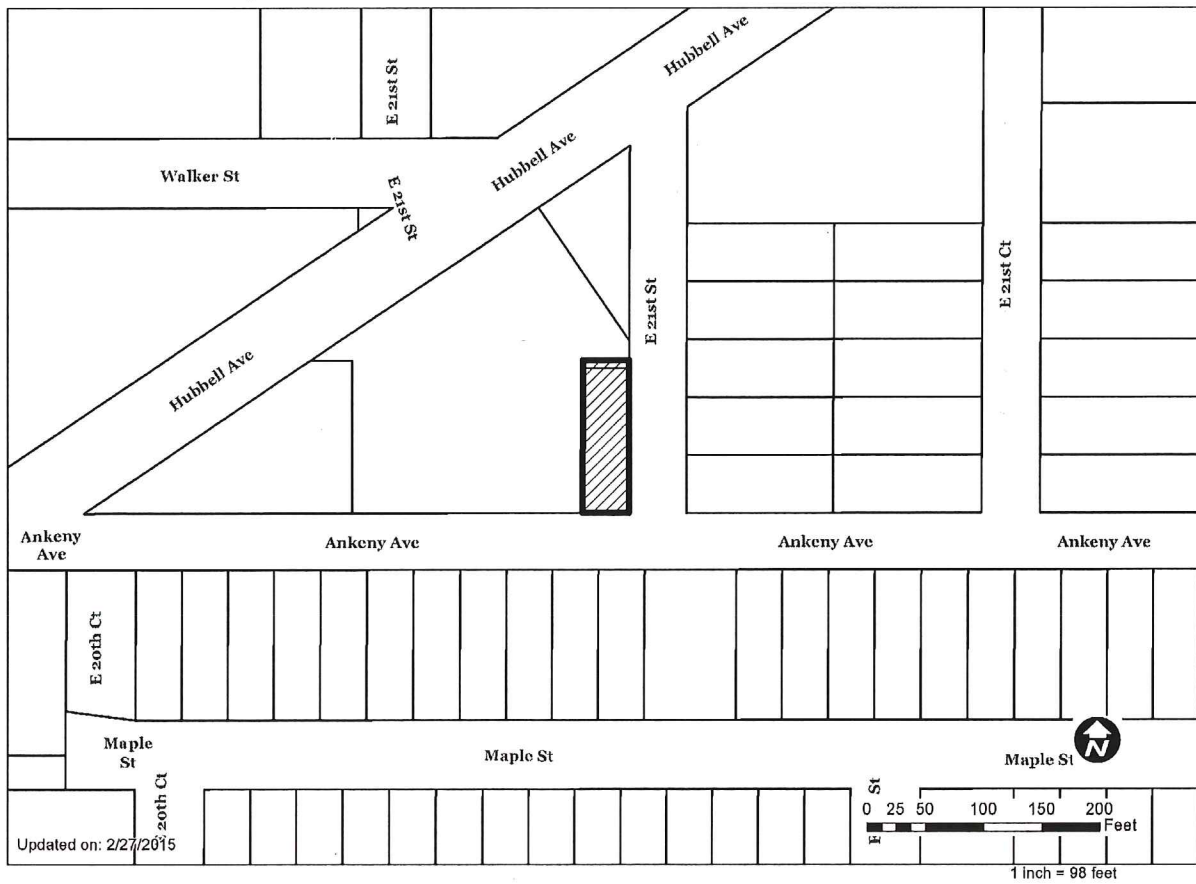


Updated on: 2/27/2015

R & S Land Holdings, LLC (owner) represented by Ron Holt (officer) for property located at 2052 Ankeny Avenue.			<b>File #</b> ZON2015-00027	
<b>Description of Action</b>	Approval of request to rezone property from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District to allow expansion of the adjoining commercial animal feed store and garden center subject to conditions.			
<b>2020 Community Character Plan</b>	Current: Low-Density Residential. Proposed: Commercial, Auto-Oriented, Small-Scale Strip Development.			
<b>Horizon 2035 Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.			
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	7	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

R & S Land Holdings, LLC, 2052 Ankeny Avenue

ZON2015-00027





Item ZON2015-00027

Date 2/25/15

19

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name

Ron Holt <sup>see memo</sup> feed Co (3 parcels)

Signature

Ron Holt

Address

2010 Hubbell Ave

MAR 02 2015

DEPARTMENT

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

Approve the parcel so it could  
be included / condensed into the  
2019 Hubbell Ave parcel.

Item ZON2015-00027

Date 2-27-15

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name

Melissa Mitchell

Signature

Melissa Mitchell

Address

813 E 21st St.

MAR 03 2015

DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2015-00027

Date 2/25/15 19

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

(Circle One)  
**RECEIVED**

COMMUNITY DEVELOPMENT

MAR 02 2015

Print Name David Quetzada

Signature [Signature]

Address 111 2050 maple st. Des Moines

50314

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2015-00027

Date 2-26-2015

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

(Circle One)  
**RECEIVED**

COMMUNITY DEVELOPMENT

MAR 02 2015

Print Name Curtis Steffen

Signature Curt Steffen

Address 2076 Maple D. Mo.

50314

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item ZON2015-00027

Date Feb. 26<sup>th</sup> 2015 19

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT

Print Name Myrt Miller

MAR 02 2015

Signature Myrt Miller

Address 805 E. 21<sup>st</sup> St DSM, IA 50317

DEPARTMENT

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

de moin's Seed & Garden Shoppe is a "Neighbor hood Friendly"  
business. They supply others with needed products. Their  
property is beautifully landscaped.

Item ZON2015-00027

Date Feb. 27, 2015

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT

Print Name Mr & Mrs. Mark Pierce

MAR 02 2015

Signature Mr & Mrs Mark Pierce

Address 2028 Maple St. DSM IA 50317

DEPARTMENT

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

We never had any problems with  
D.M. Seed & Nature So the expansion  
would be good. Also, we don't want  
need any more empty houses or lots  
in our neighborhood. Thank you

Item ZON2015-00027

Date Feb 26<sup>th</sup> 2015 19

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Connie Sams

Signature Connie J. Sams

Address 2046 maple st

MAR 03 2015

DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_