



Date August 3, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM SPOT FREE CAR WASH, LLC, TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1437 EAST 14TH STREET AND 1518 IDAHO STREET AND TO REZONE PROPERTY LOCATED AT 1421, 1427, AND 1433 EAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free Car Wash, LLC (owner), represented by Allen Hansen (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1437 East 14th Street and 1518 Idaho Street from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Neighborhood Mixed Use to allow rezoning to Limited MX3 Mixed Use District and continuation of the existing car wash as a use permitted by right; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Spot Free Car Wash, LLC to rezone the Property at 1437 East 14th Street and 1518 Idaho Street from “N3c” Neighborhood District and “RX-1” Mixed Use District to Limited “MX3-V” Mixed Use District to allow continuation of the existing car wash defined as a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, as a use permitted by right, and to rezone 1421, 1427, and 1433 East 14th Street from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, to allow reuse and/or redevelopment of the property for Mixed Use, subject to the following conditions:

- (1) Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District Portion; and
- (2) All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District;

and

WHEREAS, the Property is legally described as follows:

A. PROPERTY TO BE REZONED LIMITED MX3-V (1437 EAST14TH STREET, 1518 IDAHO STREET AND VACATED ALLEY).

PARCEL 2017-22 AND PARCEL 2017-23 OF LOTS 224 AND 235 AND OF VACATED NORTH/SOUTH ALLEY BETWEEN SAID LOTS AND OF ABANDONED CHICAGO & NORTHWESTERN RAILWAY RIGHT-OF-WAY NORTH OF LOT 235 AND OF SAID VACATED ALLEY, ALL IN ASHBROOK, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN A PLAT OF SURVEY RECORDED IN BOOK 16415, PAGE 458 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA.

THE VACATED SOUTH 20 FEET OF 235, ASHBROOK, AN OFFICIAL PLAT, AND THE VACATED NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE VACATED SOUTH



Date August 3, 2020

20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

B. PROPERTY TO BE REZONED TO RX1 (1433, 1427, AND 1421 EAST 14TH STREET)

LOTS 236, 237, 238, AND 239 IN ASHBROOK, AN OFFICIAL PLAT 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 amendment to the comprehensive plan future land use designation and proposed zoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on August 17, 2020, by electronic means in accordance with the Governor's and Mayor's Proclamations, the City Manager's Determination of July 24, 2020, to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Judy K Parks-Kruse (Handwritten signature)

Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.12) (ZON2020-00073)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor

City Clerk



July 28, 2020

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 16, 2020 meeting, the following action was taken regarding a request from Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) to rezone property located at 1421, 1427, 1433, 1437 East 14th Street & 1518 Idaho Street from "N3c" Neighborhood District and "RX-1" Mixed Use District to "MX3-V" Mixed Use District to allow the existing car wash defined as a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor to continue as a use permitted by right; and rezone property at 1421, 1427, 1433 East 14th Street from "NX1" Neighborhood Mix District to "RX1" Mixed Use District, to allow reuse and/or redevelopment of the property for mixed use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath				X
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) the Commission find the requested rezoning to be not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western

portion of the property as “Low Density Residential”, Part B) **APPROVAL** of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from “Low-Medium Density Residential” and “Neighborhood Mixed Use” to “Community Mixed Use”; and from “Low-Medium Density Residential” to “Neighborhood Mixed Use” and Part C) **APPROVAL** of the requested rezoning of the property from “RX1” Mixed Use District and “N3c” Neighborhood District to “MX3-V” Mixed Use District: and from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District portion.
2. All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District portion shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

(21-2020-4.12) & (ZON2020-00073)

Written Responses

1 in Favor

1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning to be not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Low Density Residential”.

Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from “Low-Medium Density Residential” and “Neighborhood Mixed Use” to “Community Mixed Use”; and from “Low-Medium Density Residential” to “Neighborhood Mixed Use”.

Part C) Staff recommends approval of the requested rezoning of the property from “RX1” Mixed Use District and “N3c” Neighborhood District to “MX3-V” Mixed Use District: and from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District portion.
2. All other uses permitted by right or by Conditional Use in the “MX3-V” Mixed Use District portion shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the property so the existing Vehicle Sales and Service, Vehicle Maintenance Repair, Minor (car wash) would be able to continue operation as a permitted use rather than a legal nonconforming use. The applicant also seeks future mixed-use reuse of existing structure and/or redevelopment of the recently purchased property to the south of the car wash.

2. **Size of Site:** 1.867 acres.

3. **Existing Zoning (site):** N3c” Neighborhood District, “RX-1” Mixed Use District, and NX1” Neighborhood Mix District.

4. **Existing Land Use (site):** Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor (car wash). This includes self-service and automatic wash bays with dryers as well as vacuums. The property to the south has a 1,652-sqaure foot building and associated on-site parking most recently legally used for an office use.

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

North – “RX1” & “N3c”, Use is vehicle display lot and open space.

South - “NX1” and “N3a”, Uses are One Household Living houses.

East – “N3c”, Uses are One Household Living houses.

West – “RX1”, Uses are vehicle display lots.

6. **General Neighborhood/Area Land Uses:** The subject property is on the U.S. Highway 69/East 14th Street corridor with Low Density Residential neighborhood areas generally to the east.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King, Jr. Park Neighborhood and within 250 feet of the Capitol Park Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on June 26, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2020 (20 days prior to the hearing) and on July 6, 2020 (10 days prior to the hearing) to the Martin Luther King, Jr. Park Neighborhood contact, the Capitol Park Neighborhood contact and 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 July 10, 2020.

The Martin Luther King, Jr. Park Neighborhood mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316 and the Capitol Park Neighborhood mailings were sent to Chelsea Lepley, PO Box 1993, Des Moines, IA 50305.

The applicant was responsible to providing a not-in-person neighborhood outreach through written and electronic communication. The applicant will be prepared to summarize their outreach process at the hearing.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM Future Land Use Plan Designation:** Low-Medium Density Residential and Neighborhood Mixed Use.
- 9 **Applicable Regulations:** Taking into the consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The Low-Medium Density Residential future land use designation of the property on the PlanDSM future land use map prompted portions of the property to be rezoned to the “N3a” Neighborhood District and “NX1” Neighborhood Mix District with the citywide rezoning effective last December 2019. The portion designated Neighborhood Mixed Use prompted the other portion of the property to be rezoned to “RX1” Mixed Use District. The anticipated future redevelopment was for One, Two and Multi-Household dwelling units and Neighborhood level retail and office uses.

To rezone to the “MX3-V” Mixed Use District to allow for the car wash use to continue as a permitted use, the future land use designation would also need to be amended to a Community Mixed Use Designation which provides for small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customer.

To rezone the remaining portion to “RX1” Mixed Use District to allow reuse or redevelopment for neighborhood level retail and office use would require amendment of the future land use designation to Neighborhood Mixed Use which provides for small-scale mixed-use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

2. **Permitted and Conditional Uses:** The applicant has kept the car washing use in continuous operation since the citywide zoning map update, and may continue the non-conforming use legally. However, destruction beyond 50% of the value would not allow it to continue use. The site may also not be expanded or altered significantly over time to keep it maintained or upgrade the facilities. Therefore, the applicant is seeking the rezoning to allow this flexibility.

The existing commercial building to the south has very limited allowed, non-conforming use for office. The application is seeking rezoning to allow future neighborhood mixed use reuse or redevelopment for the both the developed and vacant property.

Staff believes that the property fits within the intent of Community Mixed Use being developed for commercial use at locations along the U.S. 69/East 14th Street corridor for the existing car wash developed property. However, because of the concern for the immediately adjacent low density residential areas, staff believes that many of the uses in the “MX3-V” District would not be appropriate due their impacts. Therefore, Staff would recommend that any rezoning be subject to allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment. In addition, Staff would further recommend that the only other uses permitted by right or by Conditional Use be those uses in common with and as limited by the “RX1” Mixed Use District. It should be noted that the “-V” identifier would also prevent use of the property for vehicle sales lot uses.

The portion of property to the south of the car wash would be appropriate along the corridor for neighborhood level mixed. It is currently partially developed with a building and parking for legal non-conforming office use. Neighborhood Mixed Use would include the allowance for the existing Low-Medium Density Residential future land uses along with neighborhood scale retail and office uses, the same as contemplated for redevelopment of the vehicle sale lot properties across U.S. 69/East 14th Street to the west. It would also allow for rezoning to the requested “RX1” Mixed Use District zoning.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

Dory Briles made a motion to move Item #5 to the consent agenda. Motion Carried 13-0

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of Part A) the Commission find the requested rezoning to be not in conformance with PlanDSM; Creating Our Tomorrow Plan, which designates the western portion of the property as “Low Density Residential”, Part B) **APPROVAL** of the requested amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from “Low-Medium Density Residential” and “Neighborhood Mixed Use” to “Community Mixed Use”; and from “Low-Medium Density Residential” to “Neighborhood Mixed Use” and Part C) **APPROVAL** of the requested rezoning of the property from “RX1” Mixed Use District and “N3c” Neighborhood District to “MX3-V” Mixed Use District: and from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, subject to the following:

1. Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the “MX3-V” Mixed Use District portion.

2. All other uses permitted by right or by Conditional Use in the "MX3-V" Mixed Use District portion shall only be those uses allowed in common with and as limited in the "RX1" Mixed Use District.

Motion passed: 13-0

Respectfully submitted,



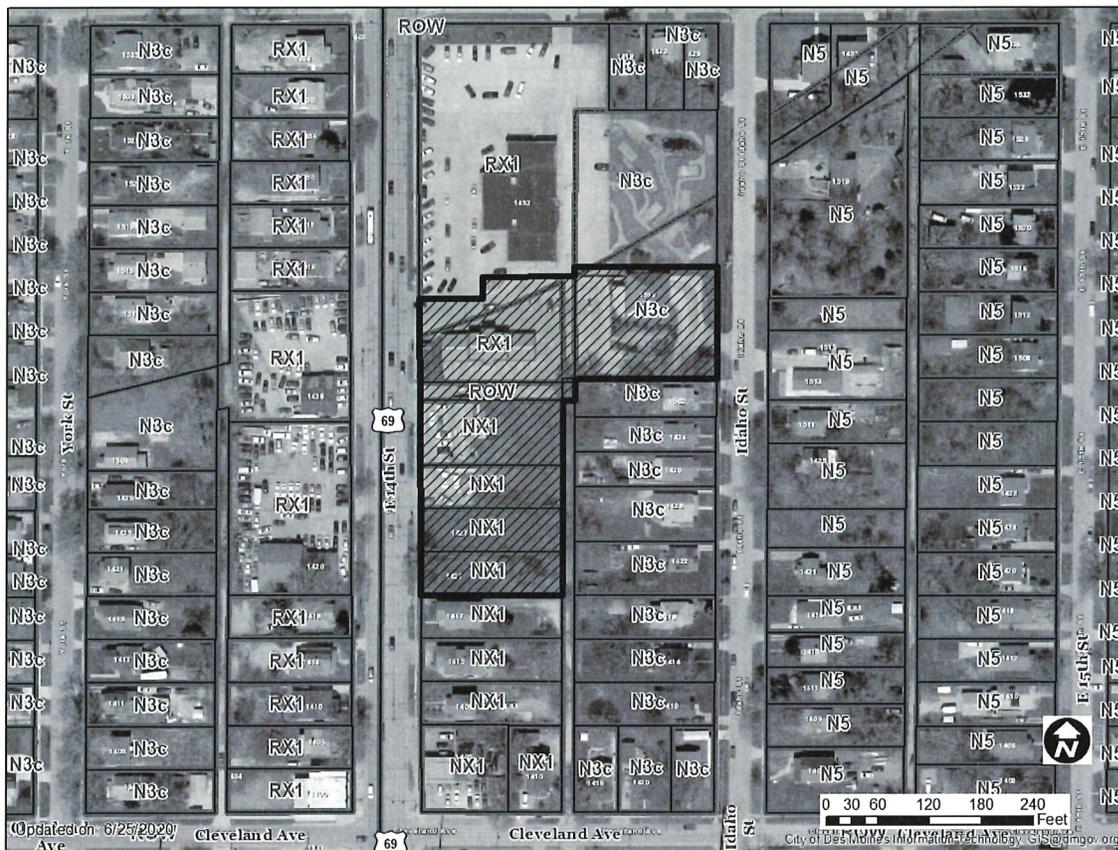
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) for the following for property located at 1421, 1427, 1433, 1437 East 14th Street & 1518 Idaho Street.				File #	
				21-2020-4.12	
Description of Action	Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use map designation from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Neighborhood Mixed Use.				
PlanDSM Future Land Use	Current: Neighborhood Mixed Use and Low-Medium Density Residential. Proposed: Community Mixed Use and Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	2030-2034 Widen US 69/E 14th St from 4 to 5 lanes (LRTP ID #4016)				
Current Zoning District	N3c" Neighborhood District, "RX-1" Mixed Use District, and "NX1" Neighborhood Mix District.				
Proposed Zoning District	"MX3-V" Mixed Use District and "RX-1" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Spot Free Car Wash, LLC, 1421-1437 East 14th Street & 1518 Idaho Street

21-2020-4.12

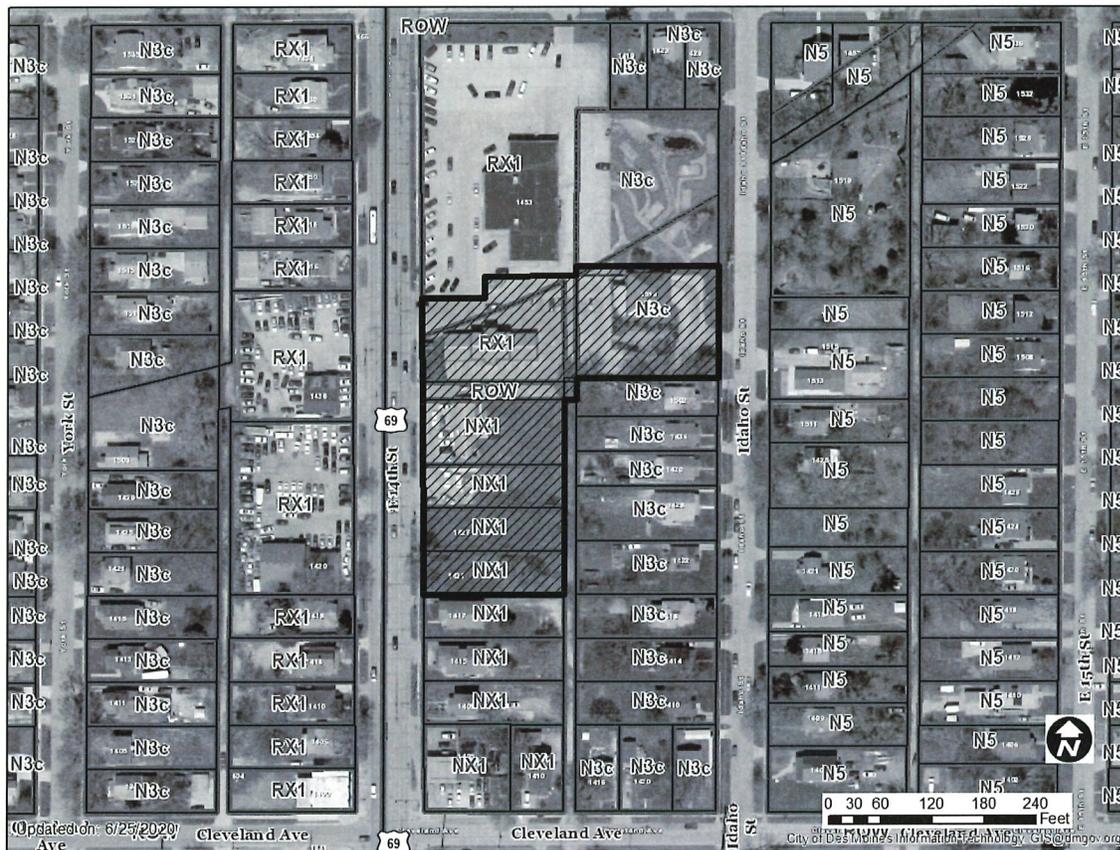


1 inch = 130 feet

Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) for the following for property located at 1421, 1427, 1433, 1437 East 14th Street & 1518 Idaho Street.				File #	
				ZON2020-00073	
Description of Action	Rezone property at 1437 East 14th Street & 1518 Idaho Street from "N3c" Neighborhood District and "RX-1" Mixed Use District to "MX3-V" Mixed Use District to allow the existing car wash defined as a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor to continue as a use permitted by right; and rezone property at 1421, 1427, 1433 East 14th Street from "NX1" Neighborhood Mix District to "RX1" Mixed Use District, to allow reuse and/or redevelopment of the property for mixed use.				
PlanDSM Future Land Use	Current: Neighborhood Mixed Use and Low-Medium Density Residential. Proposed: Community Mixed Use and Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	2030-2034 Widen US 69/E 14th St from 4 to 5 lanes (LRTP ID #4016)				
Current Zoning District	N3c" Neighborhood District, "RX-1" Mixed Use District, and "NX1" Neighborhood Mix District.				
Proposed Zoning District	"MX3-V" Mixed Use District and "RX-1" Mixed Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	1			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Spot Free Car Wash, LLC, 1421-1437 East 14th Street & 1518 Idaho Street

ZON2020-00073



1 inch = 130 feet

Item: ZON2020-00073 Date: 7-11-2020

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
JUL 15 2020
Print Name: Marjorie Ramsey
Signature: Marjorie Ramsey
Address: 1519 York St Dm

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

Item: ZON2020-00073 Date: 7-8-20

I (am) (am not) in favor of the request:
(Circle One)

Print Name: Sarah Daniel Red Gate LLC

RECEIVED
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

JUL 14 2020

Address: 3453 227th St

Reason for opposing or approving this request may be listed below:
Owner of 1430 Idaho St Des Moines

I think these are separate issues and
should not be voted on together. I am
opposed to rezoning 1421, 1427, and
1433 to mixed use district.