

Date August 5, 2020 reconvened from August 5, 2020.

RESOLUTION HOLDING HEARING ON REQUEST FROM SPOTFREE CAR WASH, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3104 INDIANOLA AVENUE

WHEREAS, on July 13, 2020, by Roll Call No. 20-1109, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spotfree 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 3104 Indianola Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to Limited MX3 Mixed Use District and continuation of the existing car wash as a use permitted by right, subject to conditions stated below; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on July 2, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Spotfree Car Wash, LLC to rezone the Property from N3a Neighborhood District to Limited MX3 Mixed Use District for the above-described purpose, 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.
- (2) All other uses permitted by right or by conditional use shall only be those uses allowed in common with and as limited in the RX1 Mixed Use District; and

WHEREAS, on July 13, 2020, by Roll Call No. 20-1109, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on August 3, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed land use amendment and rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3104 Indianola Avenue, legally described as:



Date August 3, 2020

LOTS 50, 51, 52, AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT AND LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT:

AN IRREGULAR PARCEL IN LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT, AND IN LOTS 52 AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTHWEST LINE OF LOT 70, JEFFERSON HEIGHTS REPLAT,

5.0 FEET SOUTHWEST OF THE NORTHWEST COMER OF LOT 70; THENCE SOUTHEASTERLY, ALONG A LINE PARALLEL TO THE NORTHEAST LOT LINE 21.0 FEET TO THE POINT OF CURVATURE OF A HORIZONTAL CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1355.8 FEET; THENCE CONTINUING ALONG THE CURVE TO THE SOUTHEAST LINE OF LOT 71, JEFFERSON HEIGHTS REPLAT, BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE CURVE 342.25 FEET TO A POINT 21.0 FEET NORMALLY DISTANT FROM THE EAST LINE OF LOT 53; THENCE SOUTHEAST, ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 53, 32.43 FEET; THENCE SOUTHWEST, TO THE SOUTH LINE OF LOT 53, 46.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 53; THENCE EAST ALONG THE SOUTH LOT LINE TO THE SOUTHEAST CORNER OF LOT 53; THENCE NORTHWEST, ALONG THE EAST AND NORTHEAST LINES OF LOTS 53, 52 AND 72, TO THE NORTHWEST CORNER OF LOT 72; THENCE SOUTHWEST, ALONG THE NORTHWEST LINE OF LOT 72, 5.6 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;
AND

PARCEL "D" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA;

AND

EXCEPT PARCEL "B" AND PARCEL "C" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, COVENANTS, AND RESERVATIONS OF RECORD.

from N3a Neighborhood District to Limited MX3 Mixed Use District, to allow continuation of the existing car wash as a use permitted by right, subject to the conditions stated above.

Date August 3, 2020

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM future land use designation or rezoning of the Property to Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 3104 Indianola Avenue to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited MX3 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.09)
(ZON2020-00061)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
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 7, 2020

Date August 3, 2020
 Agenda Item 63
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 2, 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 3104 Indianola Avenue from "N3a" Neighborhood District to "MX3" 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.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	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 Density Residential" to "Community Mixed Use" and Part C)

APPROVAL of the requested rezoning of the property from “N3a” Neighborhood District to “MX3” 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.
2. All other uses permitted by right or by Conditional Use shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

(21-2020-4.09) & (ZON2020-00061)

Written Responses

3 in Favor

0 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 Density Residential” to “Community Mixed Use”.

Part C) Staff recommends approval of the requested rezoning of the property from “N3a” Neighborhood District to “MX3” 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.
2. All other uses permitted by right or by Conditional Use 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.
2. **Size of Site:** 1.26 acres.
3. **Existing Zoning (site):** “N3a” Neighborhood 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.
5. **Adjacent Land Use and Zoning:**

North – “P2”, Use is Indianola Heights Evangelical Church Assembly, Place of Worship.

South - “P2” and “N3a”, Uses are One Household Living houses, Des Moines Water Works standpipe site and Wireless Telecommunication towers.

East – “N3a”, Uses are One Household Living houses.

West – “N3a”, Uses are One Household Living houses.

6. **General Neighborhood/Area Land Uses:** The subject property is on the Indianola Avenue corridor just west and north of the Neighborhood Node at East Park Avenue and Southeast 14th Street/U.S. Highway 69. Low Density Residential neighborhood areas are generally to the north, west and south.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Indianola Hills Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on June 12, 2020. All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Indianola Hills mailings were sent to Jeni Dooley, 712 Virginia Avenue, Des Moines, IA 50315. Additionally, separate notifications of the hearing for this specific item were mailed on June 12, 2020 (20 days prior to the hearing) and June 22, 2020 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to recognized neighborhoods on June 26, 2020.

During the Governor’s emergency declaration due to the COVID-19 pandemic, the applicant is responsible for reaching out to the surrounding property owner within 250 feet through a written communication soliciting questions and input and providing responses. The applicant shall provide a report on the outcomes of this process prior to the Plan and Zoning Commission meeting, and provide a summary at the hearing.

8. **Relevant Zoning History: PlanDSM Future Land Use Plan Designation:** Low Density Residential.
- 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 Density Residential future land use designation of the property on the PlanDSM future land use map prompted the

property to be rezoned to the “N3a” Neighborhood District with the citywide rezoning effective last December 2019. This anticipated future redevelopment for One Household dwelling units. To rezone to the “MX3” 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.

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.

Staff believes that the site fits within the intent of Community Mixed Use being developed for commercial use on the Indianola Avenue corridor. However, because of the concern for the immediately adjacent low density residential areas, staff believes that many of the uses in the “MX3” 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.

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.

COMMISSION ACTION:

Greg Jones 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 Density Residential” to “Community Mixed Use” and Part C) **APPROVAL** of the requested rezoning of the property from “N3a” Neighborhood District to “MX3” 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.
2. All other uses permitted by right or by Conditional Use shall only be those uses allowed in common with and as limited in the “RX1” Mixed Use District.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) for property located at 3104 Indianola Avenue.			File #	
			21-2020-4.09	
Description of Action	Amend PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use map designation from Low Density Residential to Community Mixed Use.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"N3a" Neighborhood District.			
Proposed Zoning District	"MX3" 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

Spot Free Car Wash, LLC, 3104 Indianola Avenue

21-2020-4.09



1 inch = 115 feet

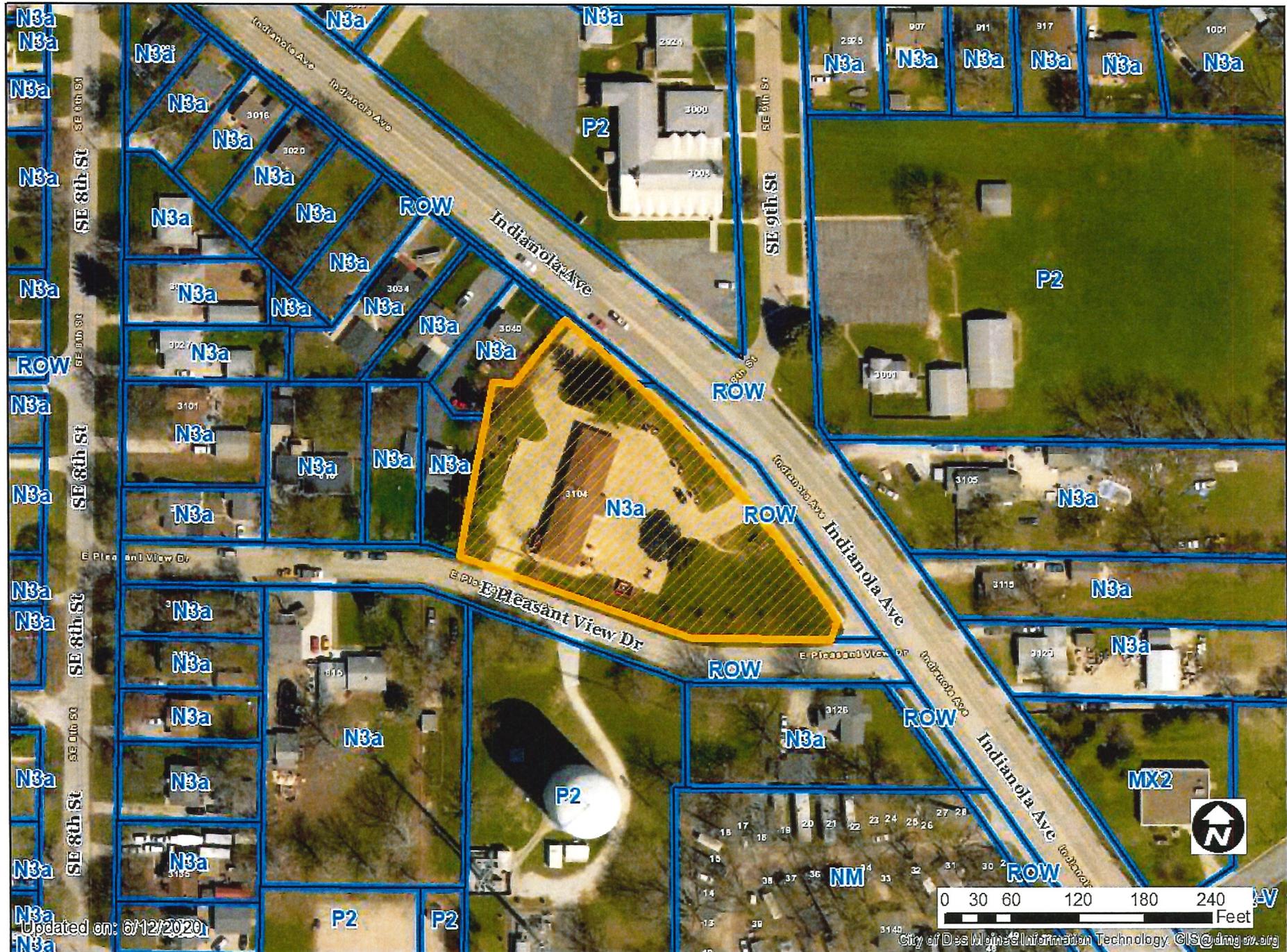
Spot Free Car Wash, LLC (owner) represented by Allen Hansen (officer) for property located at 3104 Indianola Avenue.			File #	
			ZON2020-00061	
Description of Action	Rezone property from "N3a" Neighborhood District to "MX3" Mixed Use District, to allow the existing car wash defined as a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor to continue as a use permitted by right.			
Plan/DSM Future Land Use	Current: Low Density Residential. Proposed: Community Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"N3a" Neighborhood District.			
Proposed Zoning District	"MX3" Mixed Use District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	3	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

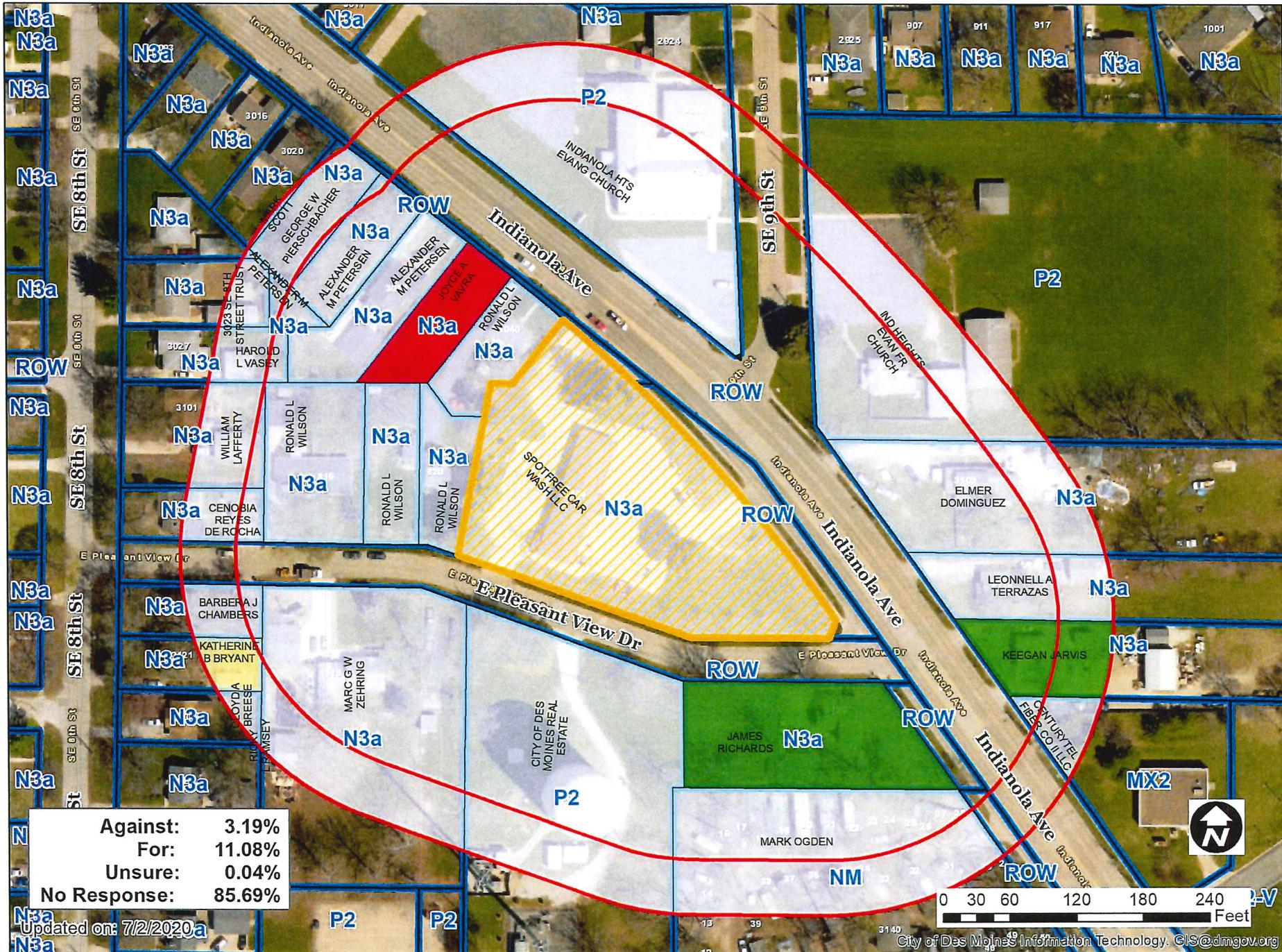
Spot Free Car Wash, LLC, 3104 Indianola Avenue

ZON2020-00061



1 inch = 115 feet





Against:	3.19%
For:	11.08%
Unsure:	0.04%
No Response:	85.69%

Updated on: 7/2/2020a

Item: ZON2020-00061

Date: 6-25-20

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUL 01 2020

Print Name: James + Lynda Richards

Signature: Lynda Richards

Address: 3126 Indiana Rd

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

Rental property - appreciates car wash
updates + wishes them success!



Item: ZON2020-00061 Date: 24 Jun 2020

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

(Circle One)

Print Name: Keegan Jarvis

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Keegan Jarvis

JUN 26 2020

Address: 3123 Indiana Ave

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

The proprietor has put great effort into making this property nice! It has been a car wash for years before it should be allowed to zone as needed to conform, without opposition!

Item: ZON2020-00061 Date: 6-26-20

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

(Circle One)

Print Name: Katherine Bryant

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Katherine Bryant

JUN 26 2020

Address: 3121 SE 8th ST DBA 50315

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

IF they can quiet the noise from the dryer then we are in favour, otherwise not in favour.