

Date October 5, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM LIL BROTHER  
CONSTRUCTION, LLC (PURCHASER) TO AMEND PLANDSM FUTURE LAND  
USE DESIGNATION AND TO REZONE PROPERTY LOCATED  
AT 2025 EAST GRAND AVENUE**

**WHEREAS**, on September 14, 2020, by Roll Call No. 20-1442, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Lil Brother Construction, LLC (Purchaser), represented by Jean Jones (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2025 East Grand Avenue (“Property”) from Low Density Residential to Industrial to allow rezoning to I1 Industrial to allow reuse and expansion of the existing building and site for “Office, Business and Industrial Service, Light” use for a construction and home repair contractor business. The subject property is owned by Cypress Properties, LLC; and

**WHEREAS**, pursuant to said communication, the City Plan and Zoning Commission further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Lil Brother Construction, LLC (Purchaser), represented by Jean Jones (officer), to rezone the Property, legally described as follows:

LOTS 6 THROUGH 10 IN BLOCK 23 OF SUNNYSIDE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

from “RX1” Mixed Use District to “I1” Industrial District for the above-stated purpose.

**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 I1 Industrial 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 2025 East Grand Avenue to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to ‘I1’ Industrial 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.

Date October 5, 2020

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

FORM APPROVED:



Judy K. Parks-Kruse  
Assistant City Attorney

(21-2020-4.17)  
(ZON2020-00088)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk



Date October 5, 2020  
 Agenda Item 53  
 Roll Call # \_\_\_\_\_

September 8, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 20, 2020 meeting, the following action was taken regarding a request from Lil Brother Construction, LLC (purchaser), represented by Jean Jones (officer) to rezone property located at 2025 East Grand Avenue from "RX1" Mixed Use District to "I1" Industrial District to allow reuse and expansion of the existing building and site for "Office, Business and Industrial Service, Light" uses for a construction and home repair contractor business.

**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			
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 proposed rezoning to "I1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designations of "Low Density Residential", Part B) **APPROVAL** of an amendment to PlanDSM: Creating Our Tomorrow Plan Land Use Plan revising the future land use designation from "Low Density

Residential” to “Industrial” and Part C) **APPROVAL** of the requested rezoning from “RX1” Mixed-Use District to “I1” Industrial District subject to the following conditions:

1. The site shall be brought into conformance with current landscaping standards with any site plan.
2. Outdoor Storage shall not be principle use and shall only be allowed as an accessory use in accordance with provisions for accessory outdoor storage areas.

(21-2020-4.17) & (ZON2020-00088)

### Written Responses

4 in Favor

0 in opposition

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning to “I1” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designations of “Low Density Residential”.

Part B) Staff recommend approval of an amendment to PlanDSM: Creating Our Tomorrow Plan Land Use Plan revising the future land use designation from “Low Density Residential” to “Industrial”.

Part C) Staff recommends approval of the requested rezoning from “RX1” Mixed-Use District to “I1” Industrial District subject to the following conditions:

1. The site shall be brought into conformance with current landscaping standards with any site plan.
2. Outdoor Storage shall not be principle use and shall only be allowed as an accessory use in accordance with provisions for accessory outdoor storage areas.

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The subject property is the former East Side Boxing Club and is proposed to be used as the office and storage building for a construction and home repair contractor business which is allowed in the “I1” District. The proposed change of use would require a site plan and building elevations to be submitted for review and approval pursuant to Chapter 135 Planning and Design Ordinance of the City Code.
2. **Size of Site:** 28,400 square feet (0.652 acres).
3. **Existing Zoning (site):** “RX1” Mixed-Use District.

4. **Existing Land Use (site):** The site contains a one-story, 1,470-square foot building originally built as a fuel station with limited retail use and most recently used for sports and recreation, indoor use..

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

**North** – “N3c”; Uses are one household dwelling units.

**South** – “N3c”; Uses are one household dwelling units.

**East** – “N3c”; Uses are one household dwelling units.

**West** – “I2”; Uses are commercial and industrial uses.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of East Grand Avenue just east of the East 20<sup>th</sup> Court intersection. The area contains a mix of industrial, commercial, and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Fairground Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 31, 2020 and by mailing of the Final Agenda on August 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on July 31, 2020 (20 days prior to the public hearing) and on August 10, 2020 (10 days prior to the public hearing) to the Fairground Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Fairground Neighborhood Association notices were mailed to Laura Mundy, PO Box 473, Des Moines, IA 50327.

During the Governors emergency declaration due to 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:** On May 7, 2007, the City Council rezoned the site to Limited “C-2” District by Ordinance No. 14,650. The rezoning at that time allowed for any use as permitted in and as limited in the “C-1” Neighborhood Retail Commercial District and a physical culture and health establishments, including but not limited to a boxing club.

The property was subsequently rezoned to the current “RX1” Mixed Use District effective on December 15, 2019 with the citywide zoning update.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.

**10. Applicable Regulations:** Taking into consideration 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 subject property is designated as “Low Density Residential” on the Future Land Use Map. Plan DSM describes this designation as follows:

Low Density Residential as areas developed with primarily single-family and two-family residential units with up to 6 dwellings.

The applicant is proposing to rezone the property from “RX1” District to “I1” District. The Chapter 134 Zoning Ordinance of the City Code states that “RX1” is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridor's adjacent to lowscale neighborhoods.”

The proposed “I1” District zoning requires the “Industrial Use” designation on the Future Land Use Map. PlanDSM describes this designation as follows:

Industrial Use: Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

The Zoning Ordinance states that “I1” is intended for general industrial uses, warehousing, and transportation terminals.”

- 2. Planning and Design Ordinance:** Any development must comply with all applicable Site Plan regulations of Chapter 135 Planning and Design Ordinance of the City Code. Should the rezoning be approved, the applicant would be required to prepare a Site Plan with building elevations for review before the property can be occupied by the proposed use.
- 3. Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any Site Plan in accordance with Chapter 42 Section 42-550 of the City Code.

## SUMMARY OF DISCUSSION

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

### COMMISSION ACTION:

Emily Webb made a motion for approval of Part A) the proposed rezoning to "I1" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designations of "Low Density Residential", Part B) **APPROVAL** of an amendment to PlanDSM: Creating Our Tomorrow Plan Land Use Plan revising the future land use designation from "Low Density Residential" to "Industrial" and Part C) **APPROVAL** of the requested rezoning from "RX1" Mixed-Use District to "I1" Industrial District subject to the following conditions:

1. The site shall be brought into conformance with current landscaping standards with any site plan.
2. Outdoor Storage shall not be principle use and shall only be allowed as an accessory use in accordance with provisions for accessory outdoor storage areas.

Motion passed: 12-0

Respectfully submitted,



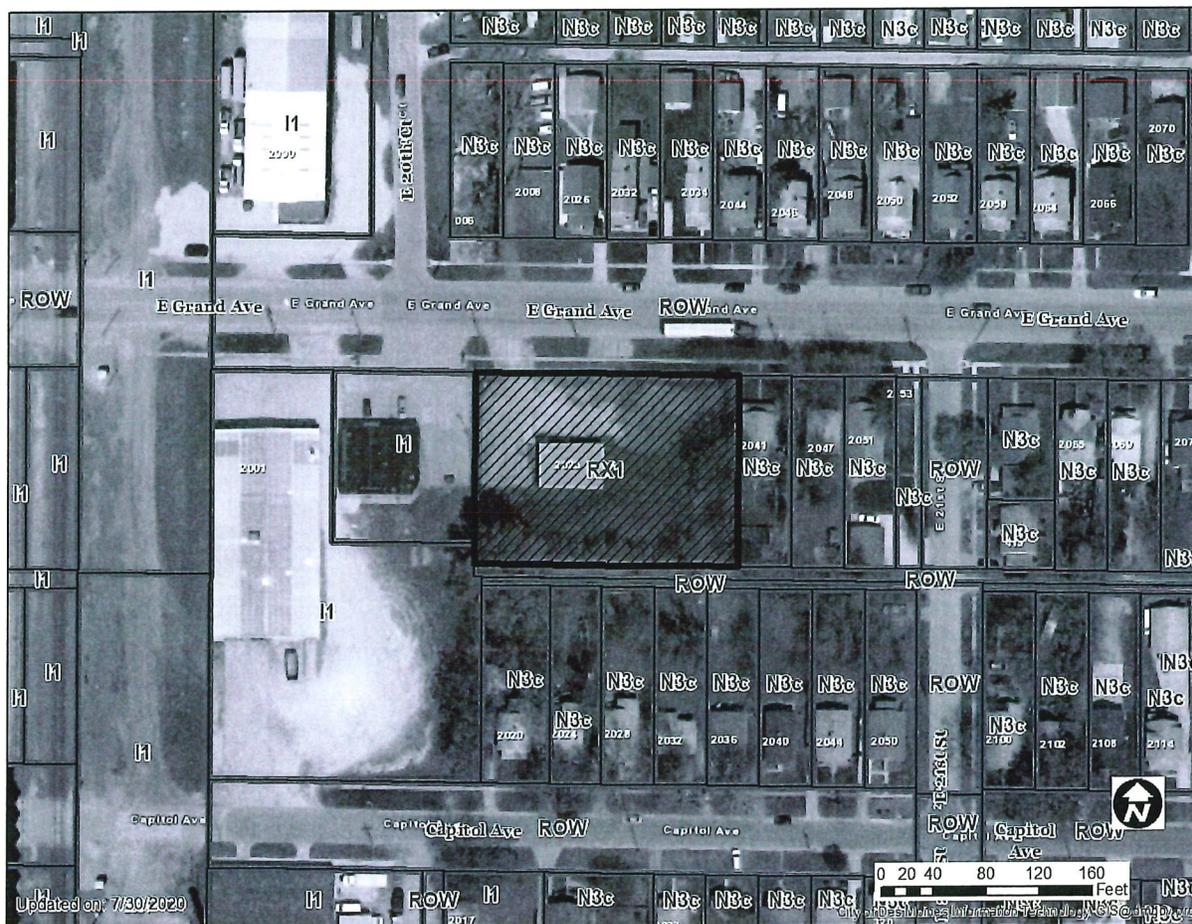
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

Request from Lil Brother Construction, LLC (purchaser), represented by Jean Jones (officer) for property located at 2025 East Grand Avenue.				File # 21-2020-4.17	
Description of Action	Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Industrial.				
PlanDSM Future Land Use	Current: Low Density Residential Proposed: Industrial				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"RX1" Mixed Use District.				
Proposed Zoning District	"I1" Industrial 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

Lil Brother Construction, LLC, 2025 East Grand Avenue

21-2020-4.17



1 inch = 91 feet

Request from Lil Brother Construction, LLC (purchaser), represented by Jean Jones (officer) for property located at 2025 East Grand Avenue.			File #	
			ZON2020-00088	
Description of Action	Rezone property from "RX1" Mixed Use District to "I1" Industrial District to allow reuse and expansion of the existing building and site for "Office, Business and Industrial Service, Light" uses for a construction and home repair contractor business.			
PlanDSM Future Land Use	Current: Low Density Residential Proposed: Industrial			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"RX1" Mixed Use District.			
Proposed Zoning District	"I1" Industrial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	4	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

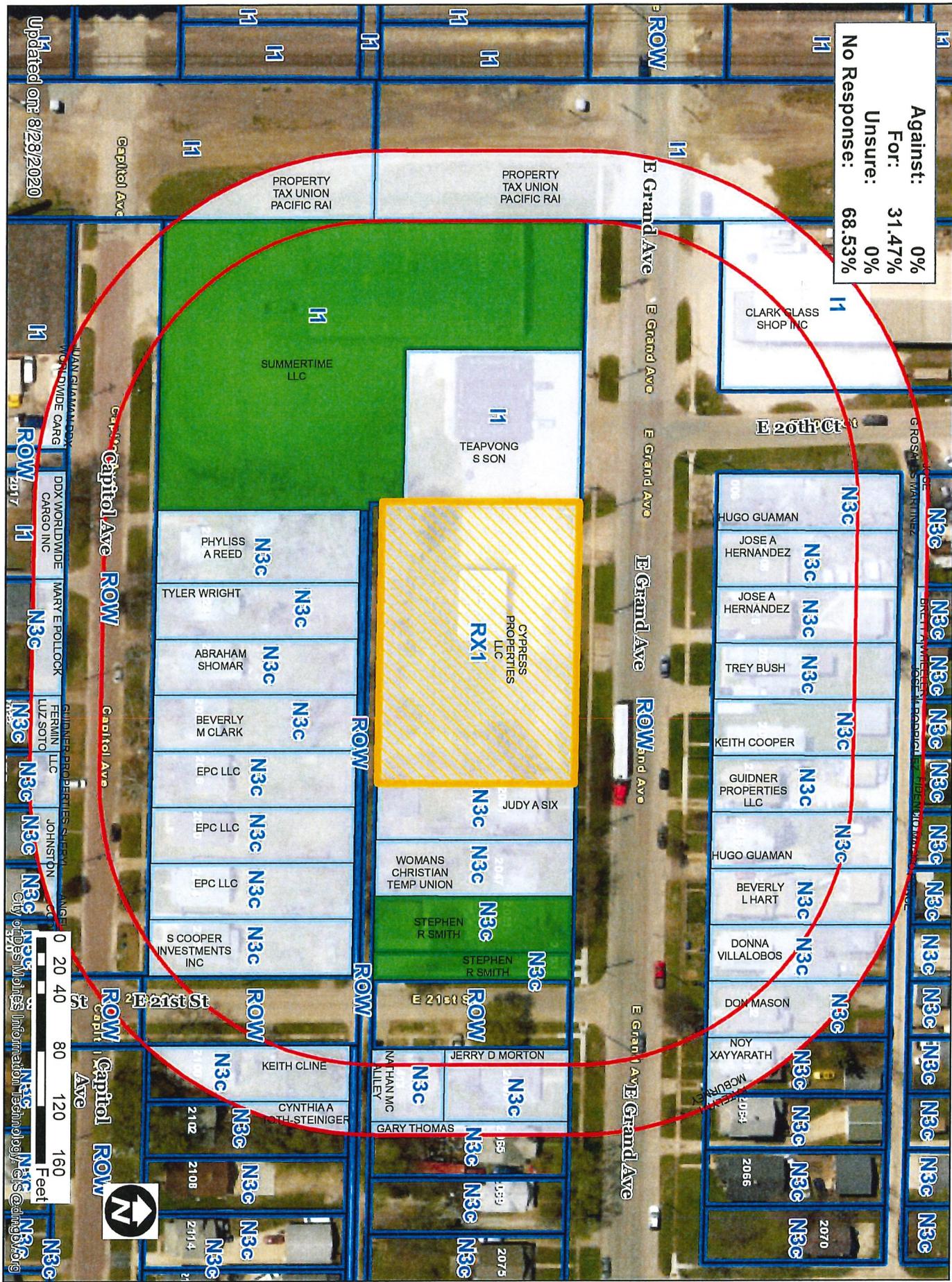
Lil Brother Construction, LLC, 2025 East Grand Avenue

ZON2020-00088



1 inch = 91 feet

Against: 0%  
 For: 31.47%  
 Unsure: 0%  
 No Response: 68.53%



Updated on: 8/28/2020



1 inch = 91 feet

53

53

Item: ZON2020-00088 Date: 8-14-2020

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

(Circle One)

Print Name: Stephen Ross Smith

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: *Stephen Ross Smith*

AUG 18 2020

Address: 2051 East Grand Ave,  
Des Moines, IA 50317

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

Improvement of the Neighborhood.

Item: ZON2020-00088 Date: 8/12/20

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

(Circle One)

Print Name: Ronnie Petersen

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: [Handwritten Signature]

AUG 19 2020

Address: 2001 E Grand Ave, Des Moines SD 50317

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

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Item: ZON2020-00088 Date: 08-21-2020

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

Print Name: WILE SIGARAN-PINEDA

RECEIVED  
COMMUNITY DEVELOPMENT  
AUG 26 2020

Signature: [Handwritten Signature]

Address: 2021 Des Moines St Des Moines IA 50317

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

neighborhood improvement  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# *Fairground Neighborhood Association*

PO BOX 57473, Pleasant Hill IA 50327

8/19/2020

RE: Lil Brother Construction Relocation to Fairground Neighborhood

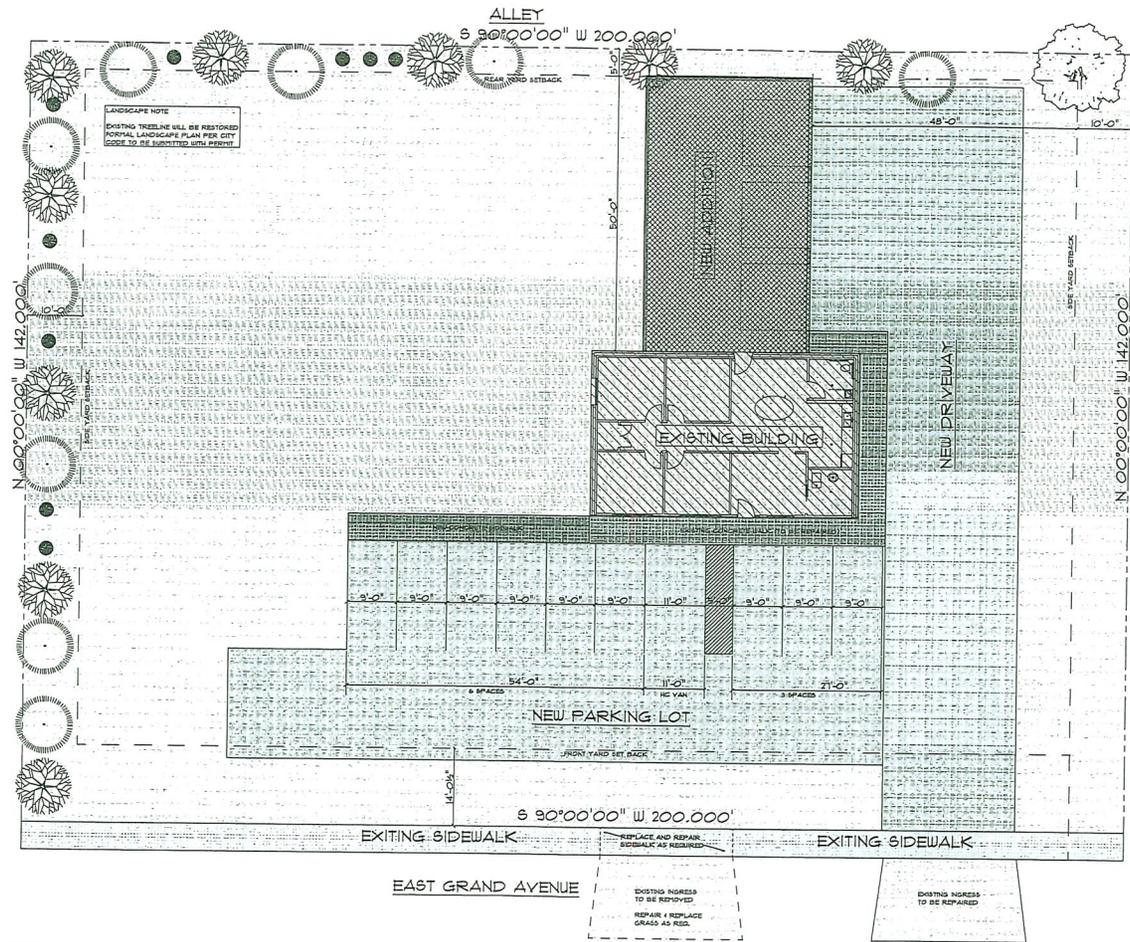
The Board, having met 7/21/20, and general membership from 7/28/20 meeting, are in agreement that Lil Brothers Construction is a good fit for our neighborhood.

Those in attendance at 7/28 general meeting signed in support of the venture. Signatures are on file with Jean Jones, Lil Brother Construction for 8/20 Zoning Board Discussion.

We look forward to this new addition.

Laura B Mundy  
Fairground Neighborhood Association President

FNA Board members:  
Vince Cooper  
Don Current  
Laura Mundy  
Tina Payton



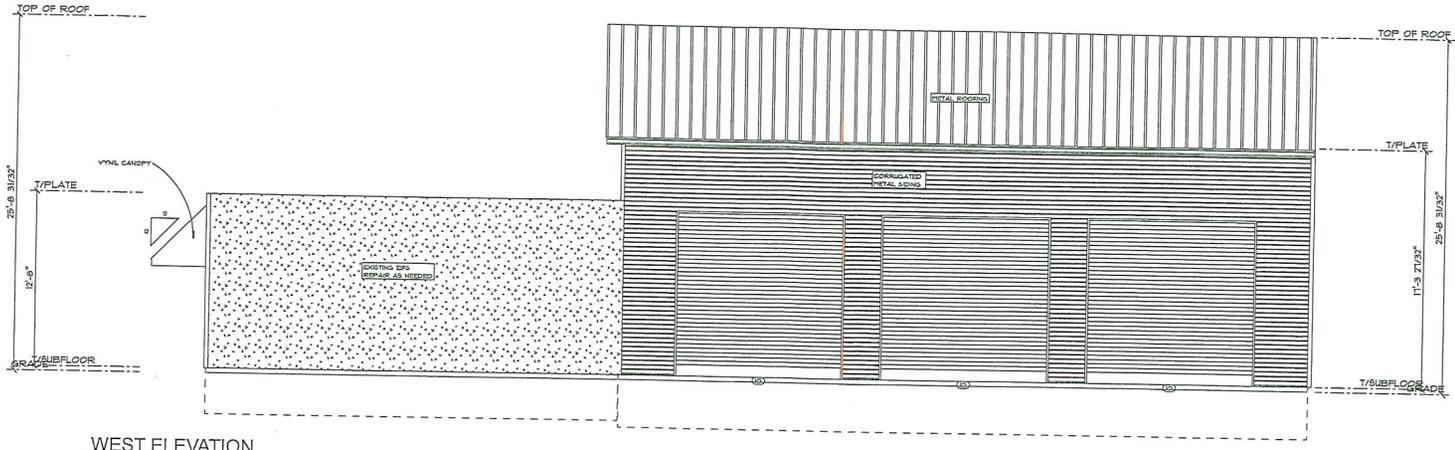
SITE PLAN  
SCALE: 1" = 10'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

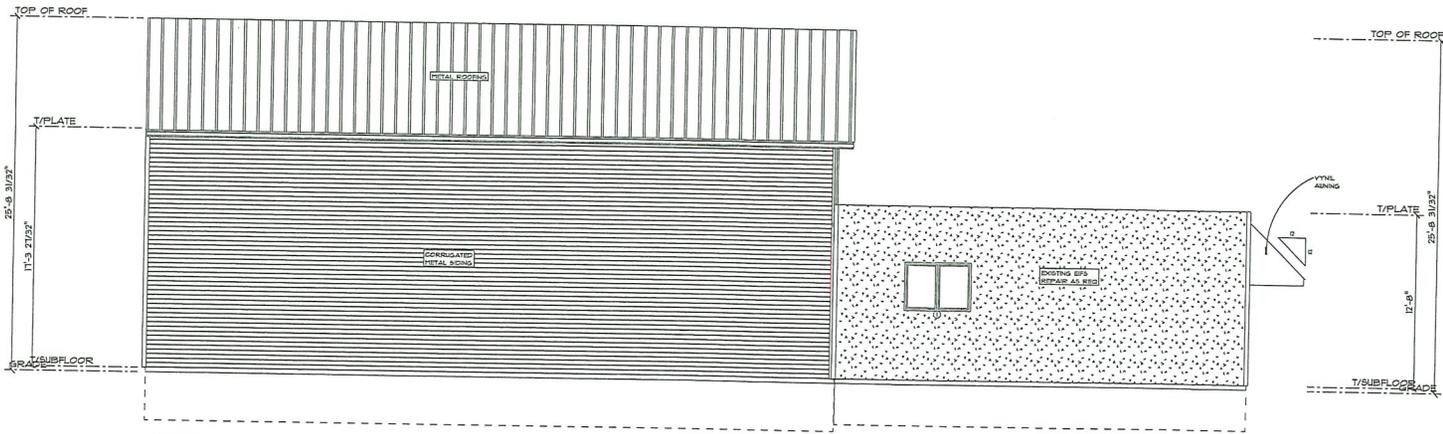
DATE	7/8/20
SUBMITAL	REZONING APPLICATION
ULI RESIDENTIAL CONSTRUCTION COMPANY PROPOSED RESIDITION 205 EAST GRAND AVENUE DES MOINES, IOWA 50317	
EDWARD J. SHANNON ARCHITECT LICENSED ARCHITECT - STATE OF IOWA - NO. 04-04-0104 100 WEST GRAND AVENUE, SUITE 200 DES MOINES, IOWA 50317 TEL: 515.281.4400 FAX: 515.281.4401 WWW.SHANNONARCHITECT.COM	

20-16
7/8/2020
S1
3





WEST ELEVATION  
SCALE: 1/4" = 1'-0"



EAST ELEVATION  
SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

**EDWARD J. SHANNON ARCHITECT**  
 6118 BOGGS AVENUE, UPRIVALE, AL 35222  
 LICENSE NUMBER: STATE OF ALABAMA - 002 08 016103

LIJ BROTHER CONSTRUCTION COMPANY  
 PROPOSED ADDITION  
 2525 EAST GRAND AVENUE  
 DICKINSON, AL 36311

DATE	SUBMITTAL	REASONING APPLICATION
7/8/2020		

20-16

7/8/2020

A2  
3