

Date March 21, 2022

**RESOLUTION SETTING HEARING ON REQUEST FROM HOLT SALES AND SERVICES, LLC
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND
TO REZONE PROPERTY LOCATED AT 2500 DEAN AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2500 Dean Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to RX2 Mixed Use District and construction of a non-accessory surface parking lot, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to rezone the Property from N3c-4 Neighborhood District to Limited RX2 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. Use of the Property shall be limited to either Household Living use or a Non-Accessory Surface Parking Lot use in accordance with a Conditional Use approval by the Zoning Board of Adjustment.
2. Any Non-Accessory Surface Parking Lot use constructed on the Property shall be for customer and employee parking only. Any use of the Property for commercial vehicle parking, loading or unloading, or storage of materials shall be prohibited.
3. Any Non-Accessory Surface Parking Lot use shall provide a heavy side and rear landscape buffer, in accordance with Des Moines Municipal Code Chapter 135, Article 7, along its north and east perimeters.
4. Any development on the Property shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and

WHEREAS, the Property is legally described as follows:

THE SOUTH 100 FEET OF LOTS 97 AND 99 IN BLOCK 12 IN GRANT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND

LOTS 97 AND 99, BLOCK 12, GRANT PARK, EXCEPT THE SOUTH 100 FEET OF EACH LOT, AND LOTS 101, 103, 105 AND THE WEST ONE-HALF (W 1/2) LOT 107, BLOCK 12, GRANT PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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 PlanDSM future land use designation and rezoning of the Property 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 City Hall, 400 Robert D. Ray

Date March 21, 2022

Drive, Des Moines, Iowa, at 5:00 p.m. on April 4, 2022.

- 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:

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

(ZONG-2022-000006; ZONG-2022-000011)

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

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a request from Holt Sales and Services LLC (owner), represented by Josh Holt (officer) to rezone property located at 2500 Dean Avenue from “N3c-4” Neighborhood District to “RX2” Mixed Use District, to allow a non-accessory surface parking lot.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-1-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper			X	
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar		X		
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

Part C) Approval of the proposed rezoning f from “N3c-4” Neighborhood District to “RX2” Mixed Use subject to the following conditions:

1. Use of the property shall be limited to either Household Living use or a Non-Accessory Parking Lot use in accordance with a Conditional Use as considered by the Zoning Board of Adjustment.
2. Any Non-Accessory Parking Lot use constructed shall be for customer and employee parking only. Any use of the parking lot for commercial vehicle parking, loading or unloading, or storage of materials shall be expressly prohibited.
3. Any Non-Accessory Parking Lot use shall provide a heavy side and rear landscape buffer (in accordance with City Code Chapter 135-7) along its north and east perimeters.
4. Any site development shall be in accordance with a Site Plan approved in accordance with all applicable standards contained in City Code Chapter 135.
(ZONG-2022-000006)

Written Responses

1 in Favor
1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of the proposed rezoning f from “N3c-4” Neighborhood District to “RX2” Mixed Use subject to the following conditions:

1. Use of the property shall be limited to either Household Living use or a Non-Accessory Parking Lot use in accordance with a Conditional Use as considered by the Zoning Board of Adjustment.
2. Any Non-Accessory Parking Lot use constructed shall be for customer and employee parking only. Any use of the parking lot for commercial vehicle parking, loading or unloading, or storage of materials shall be expressly prohibited.
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4. Any site development shall be in accordance with a Site Plan approved in accordance with all applicable standards contained in City Code Chapter 135.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property in order to construct an accessory surface parking lot that would serve the business on across Dean Avenue to the south. The subject property is currently zoned “N3c-4” District, which allows residential uses. The requested “RX2” District would allow for a non-accessory surface parking lot, subject to obtaining a Conditional Use from the Board of Adjustment.
The parcels adjoining to the north, east, and adjacent to the west of the subject property include residential uses, while the parcel across Dean Avenue to the south includes an industrial use.
2. **Size of Site:** The site is approximately 20,213 square feet (0.464 acres) in area.
3. **Existing Zoning (site):** “N3c-4” Neighborhood District.
4. **Existing Land Use (site):** The site consists of a one-story one household dwelling and a two-story multiple household dwelling.
5. **Adjacent Land Use and Zoning:**

 North – “N3c”; Uses are one-household residential.
 South – “I1”; Uses are industrial warehouse.
 East – “N3c-4”; Uses are one-household residential.
 West – “N3c-4”; Uses are one-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of Dean Avenue at the northeast corner of the intersection with East 25th Street. The adjoining area consists of a mix of industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood but is within 250 feet of the Fairground Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 21, 2022 and by mailing of the Final Agenda on February 21, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2022 (20 days prior to the public hearing) and February 21, 2022 (10 days prior to the public hearing) 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 mailings were sent to Tina Payton, 2336 Logan Avenue, Des Moines, IA 50317. The applicant is responsible for conducting a neighborhood outreach meeting, inviting the Fairgrounds Neighborhood Association and surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** None.

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 “Low Density Residential”. Plan DSM describes this designation as follows:

Low Density Residential

Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

The applicant is proposing to rezone the property from “N3c-4” District to “RX2” District. The Zoning Ordinance states that “N3c-4” is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in Section 135-2.15 of the Municipal Code. For N district locations labeled with a “-4” extension, the maximum number of household units permitted per lot is four pursuant to section 134-3.1.2 of the Municipal Code.

The applicant has proposed “RX2” Mixed-Use District in order to allow the property to be developed for a surface parking lot. The proposed “RX2” District zoning requires the “Community Mixed Use” designation on the Future Land Use Map for the proposed rezoning to be found in conformance with PlanDSM.

Plan DSM describes the Community Mixed Use designation as follows:

Community Mixed Use

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 customers.

The Zoning Ordinance states that the “RX2” is intended for transitional areas between “MX” districts and “N” districts, providing for residential and office buildings at a scale and intensity higher than “RX1”. Building types allowed within this district include commercial cottage, general building, civic building, principal-use parking structure, flat

building and row building typologies. The “RX2” district allows for surface parking subject to obtaining a Conditional Use from the Board of Adjustment.

2. **Planning and Design Ordinance:** Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Additionally, the site must comply with the heavy side and rear buffer in accordance with City Code.
3. **Staff Rationale:** Given the location of the property along Dean Avenue across from an industrial use, Staff believes that the subject property is appropriate for the “RX2” Mixed Use District. This would allow use the property for a Non-Accessory Parking use. Staff recommends approval of the requested “RX2” Mixed Use District subject to the conditions any Non-Accessory Parking Lot use constructed shall be for customer and employee parking only. Any use of the parking lot for commercial vehicle parking, loading or unloading, or storage of materials shall be expressly prohibited. Given that this area acts as a transition to the residential neighborhood full compliance with the landscaping and setbacks would be required.

SUMMARY OF DISCUSSION

Frank Dunn-Young presented the staff report and recommendation.

Todd Garner asked if there will be sidewalks added on Dean and 25th. He assumes employees will be crossing Dean Avenue to get to work.

Frank Dunn-Young stated yes, they will cross Dean Avenue as this parking lot will serve the building across the street. Unless the applicant requested a wavier for sidewalks, they would be required to provide them.

Todd Garner asked for the total number of parking spaces.

Frank Dunn-Young stated 34.

Todd Garner stated he would be concerned they’re creating a hazardous condition by making 34 people cross Dean Avenue.

Jason Van Essen stated we don’t have any information that has led us to believe that this will be an issue.

Chris Draper asked if the commission is making an exception for this piece of land to be used for 34 parking spaces due to the lack of on-street parking in the neighborhood.

Jason Van Essen stated staff is recommending that the zoning be limited so that it only allows residential uses or a parking lot use. Staff is not supportive of any further commercial development.

Johnny Alcivar asked if on-street parking is allowed along Dean Avenue.

Chris Draper stated based on Google street view, there is parking on the north side.

Josh Howl, representing Holt Sales and Service, 2515 Dean Avenue stated they are experiencing parking difficulties in their existing parking lot. When extensive renovations to the building were done, they had to remove several parking stalls and as they've been growing over the last several years, restrictions have been experienced. Their goal for adding parking across the street is to avoid parking on the street. It is safer for employees. They intend to pave the lot, bringing the existing sidewalks on both East 25th and Dean Avenue up to code and lighting will meet all code requirements as well.

Emily Webb asked what hours employees work.

Josh Howl stated they have three shifts. However, the only time parking is a problem is during first shift, when the office is there. In the evenings, they have plenty of spare parking, roughly 7am to 4pm is when the overflow is going to be necessary.

Chris Draper asked if first shift is normal business hours, 8am-4pm.

Josh Howl stated correct, they currently have people parking an eighth of a mile to a quarter mile away.

CHAIRPERSON OPENED THE PUBLIC HEARING

Seth Sunderman, Bishop Engineering, 3501 104th Street stated they will incorporate all city staff recommendations to the site plan moving forward. Also, they will provide a heavy buffer that will provide adequate screening for neighboring properties.

Carol Maher, 701 Polk Blvd stated she was hoping the applicant would consider putting bike racks in, not only at their business, but in this lot as well to encourage people to ride their bike. There are no parking signs on the south side of the street but not certain about the north side.

Josh Howl stated they do allow their employees to park their bikes inside but they will be providing adequate bike racks as required by city code.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Francis Boggus made a motion for:

Part A) The requested rezoning be found **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

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Motion passed: 11-1-1

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



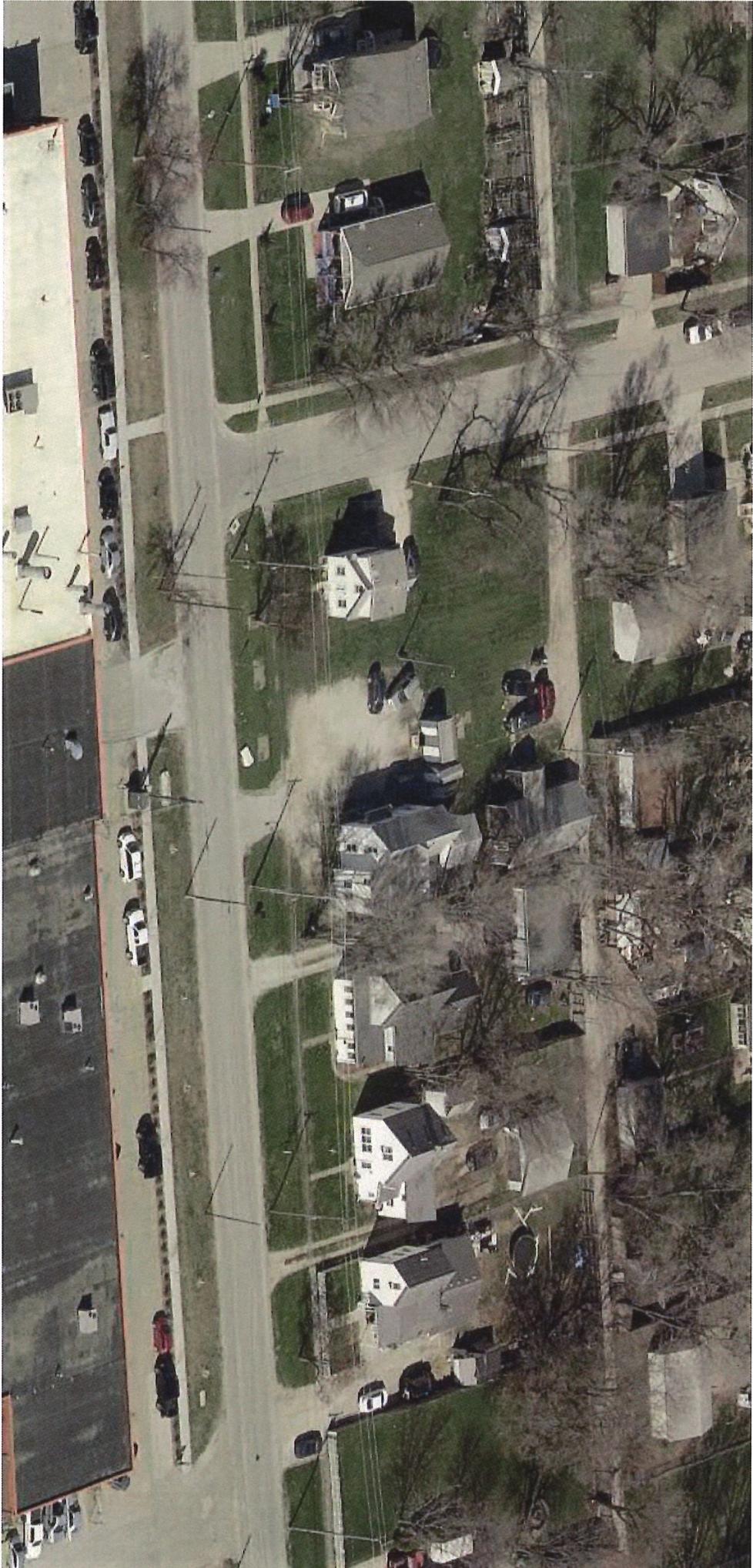
2508 Dean Ave
Des Moines, Iowa
Google
Street View - May 2021



ard Industries
Dean Ave

Google









20 - Jul 2018

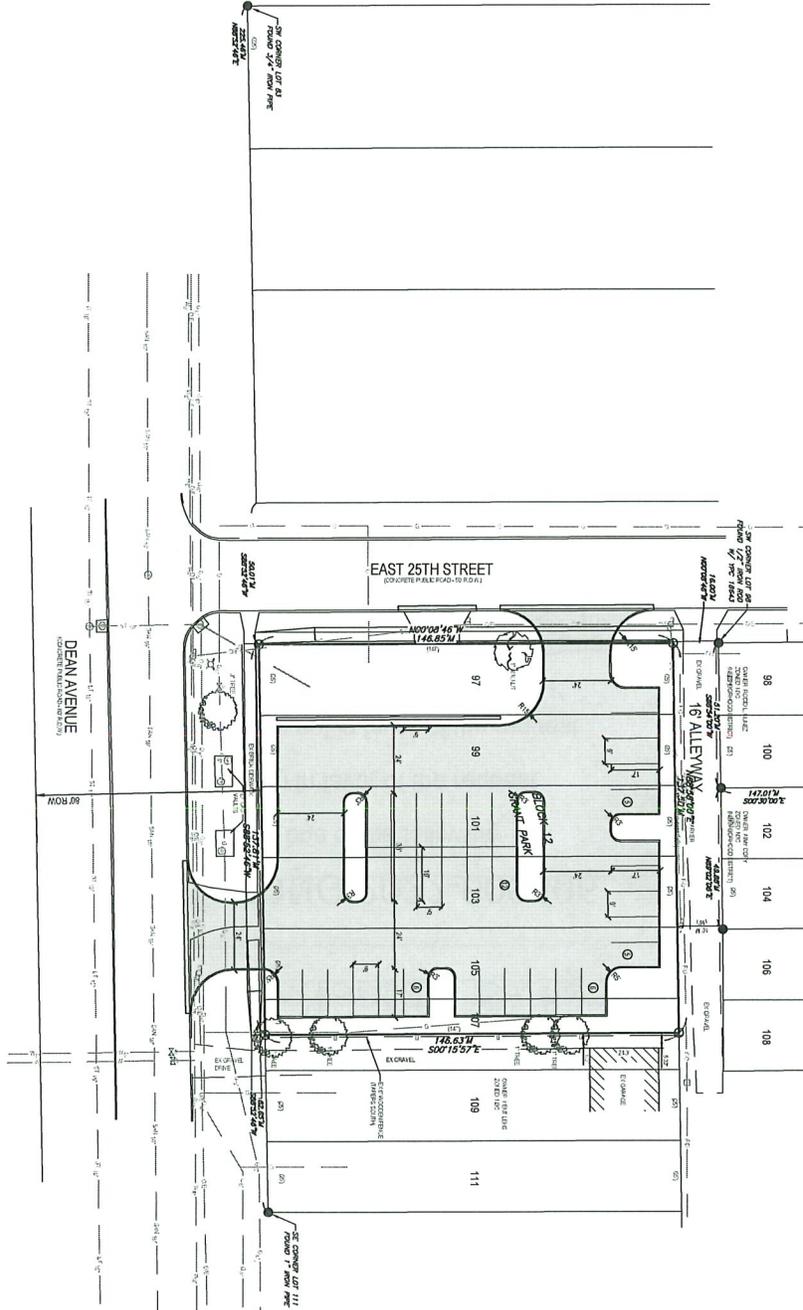
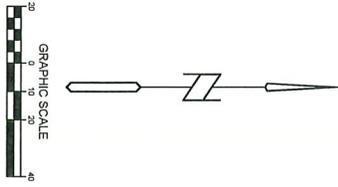
Dean Ave

Dean Ave

Google

PRELIMINARY- NOT FOR CONSTRUCTION

V02022 8 01:15 AM L:LAND PROJECTS 20210210422 - 2500-2508 DEAN AVENUE PARKING LOT - JEREMY DREYER/DWGZ LAYOUT.DWG



PROJECT NUMBER: 210422
DATE: C2.1
DESIGNED BY:
CHECKED BY:
APPROVED BY:
DATE:

**2500-2508 DEAN AVENUE PARKING LOT
DES MOINES, IA**

LAYOUT PLAN

Bishop Engineering
 "Planning Your Successful Development"
 3501 104th Street
 Des Moines Iowa 50322-5825
 Phone: (515) 276-4467 Fax: (515) 276-4217
 Civil Engineering & Land Surveying Established 1959

Item: ZONG-2022-000006

Date: 02-23-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Walter Ladd

Name: Walter Ladd

Address: 2516 Logan Avenue

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

FEB 28 2022

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

I attended the Zoom meeting 02-23-22 moderated
by Josh Holt and he indicated the lot would
have a retention basin, be landscaped, and will
be monitored. So he addressed my concerns.

Item: ZONG-2022-000006

Date: 2/23/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: William G. Parker

Address: 2511 Logan

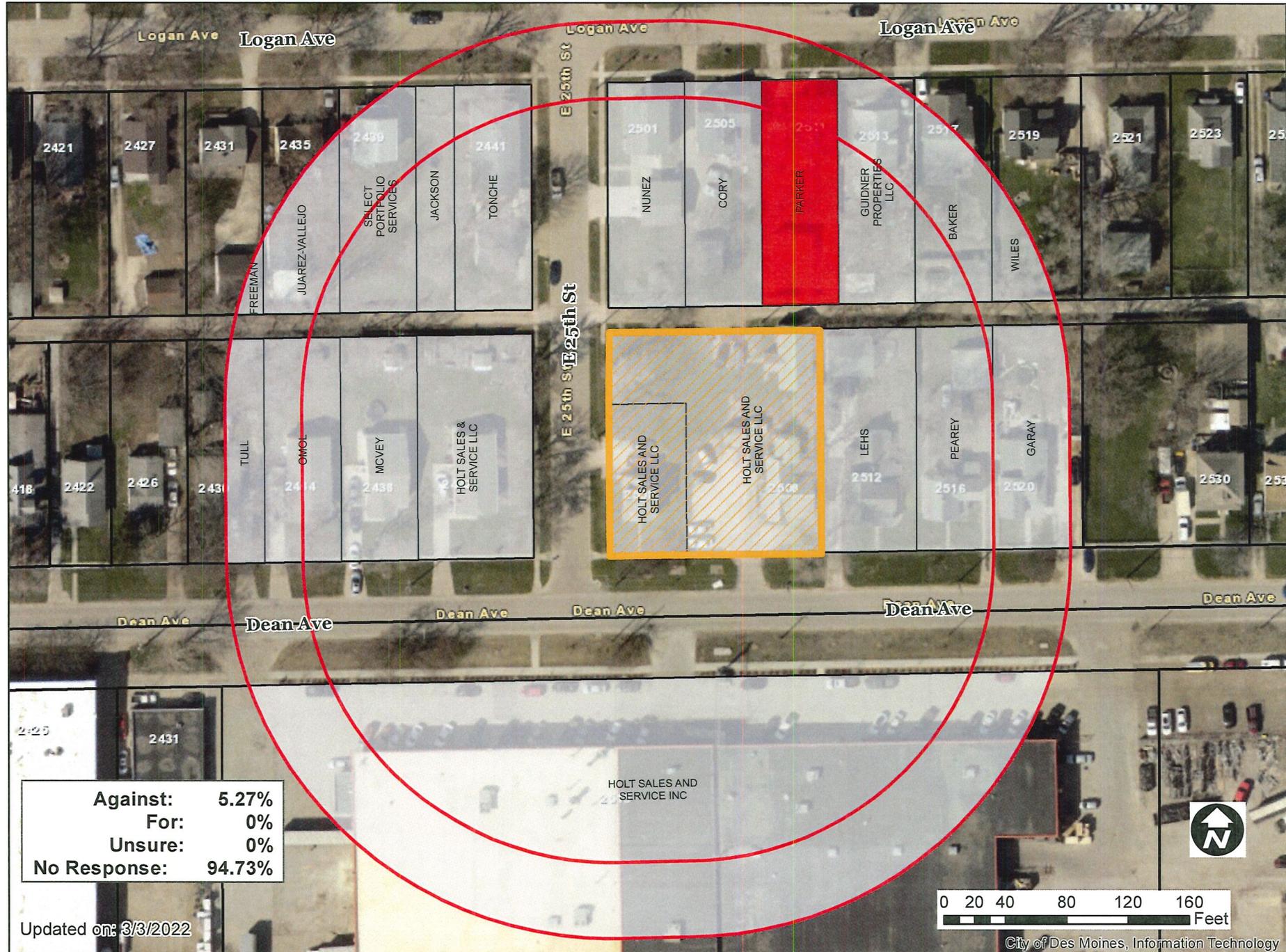
Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

FEB 28 2022

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

I would be in favor if lot was fenced
in and lighted.



1 inch = 83 feet



1 inch = 83 feet