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Date April 18, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM JOHN A. GETSY III
TO REZONE PROPERTY LOCATED AT 1022 ARMY POST ROAD**

WHEREAS, on April 4, 2022, by Roll Call No. 22-0530, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from John A. Getsy III (owner), to rezone real property locally known as 1022 Army Post Road (“Property”) from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow the conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - a. Any use as allowed and regulated in the “RX1” Mixed Use District; and /or
 - b. A “Vehicle Maintenance/Repair, Minor” use.

2. Any use of the property for a “Vehicle Maintenance/Repair, Minor” use shall comply with the following:
 - a. No more than three (3) vehicles per bay may be stored outdoors while awaiting service/repair or pick-up.
 - b. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
 - c. Vehicles awaiting service/repair or pick-up may not occupy parking spaces required for customers and employees.
 - d. Any vehicle on the premises shall have current license tags.
 - e. Outdoor storage of junk, debris, tires, vehicle parts, or any other materials related to the business, shall be prohibited.
 - f. Any vehicle repair or service shall occur within a completely enclosed building; and

WHEREAS, on April 4, 2022, by Roll Call No. 22-0530, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on April 18, 2022 at 5:00 P.M., in the Council Chambers; 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed 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 located at 1022 Army Post Road and legally described as follows:

Lot 7 and 8 except that part lying northerly of a line described as: Beginning at a point 19.5 feet southerly from the northwest corner of said Lot 7, on the West line thereof; thence easterly to a point

Date April 18, 2022

22.0 feet southerly from the northeast corner of said Lot 8 on the East line thereof, in Block 2 in RODGERS PLACE, an Official Plat, now included in and forming a part of City of Des Moines, Iowa

from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow the conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, subject to the above-stated conditions which have been agreed to and accepted in writing by the property owner.

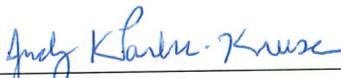
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property are hereby overruled, and the hearing is closed.
2. 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 the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

SECOND BY _____.

APPROVED AS TO FORM:



Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2022-000017)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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 April 18, 2022
 Agenda Item 51
 Roll Call # _____

March 29, 2022

Communication from the City Plan and Zoning Commission advising that at their March 17, 2022 meeting, the following action was taken regarding a request from John A Getsy III (owner) to rezone property located at 1022 Army Post Road from "RX1" Mixed-Use District to "MX3" Mixed-Use District, to allow conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	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) Approval of the determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed-Use.

Part B) Approval of the proposed rezoning from "RX1" Mixed-Use District to "MX3" Mixed-Use District, to allow conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use, subject to the following:

1. Use of the Property shall be limited to the following:
 - a. Any use as allowed and regulated in the "RX1" Mixed Use District; and/or

- b. A “Vehicle Maintenance/Repair, Minor” use.
2. Any use of the property for a “Vehicle Maintenance/Repair, Minor” use shall comply with the following:
 - a. No more than three (3) vehicles per bay may be stored outdoors while awaiting service/repair or pick-up.
 - b. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
 - c. Vehicles awaiting service/repair or pick-up may not occupy parking spaces required for customers and employees.
 - d. Any vehicle on the premise shall have current license tags.
 - e. Outdoor storage of junk, debris, tires, vehicle parts, or any other materials related to the business, shall be prohibited.
 - f. Any vehicle repair or service shall occur within a completely enclosed building. (ZONG-2022-000017)

Written Responses

1 in Favor

1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed-Use.

Part B) Staff recommends approval of the proposed rezoning from “RX1” Mixed-Use District to “MX3” Mixed-Use District, to allow conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, subject to the following:

1. Use of the Property shall be limited to the following:
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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to occupy the existing building and lot to with a “Vehicle Maintenance/Repair, Minor” use (Intoxalock and Smart Start Ignition service provider). The subject property is zoned “RX1” District. This district does not allow for a “Vehicle Maintenance/Repair, Minor” use, which falls under the “Vehicle Sales and Service” category in City Code Table 134-3.1-1. For this proposed use to be allowed, the property must be rezoned to a district that allows vehicle maintenance and repair. The property is requested to be rezoned to “MX3” Mixed-Use District.
2. **Size of Site:** 50 feet by 143 feet (7,160 square feet).
3. **Existing Zoning (site):** “RX1” Mixed-Use District.
4. **Existing Land Use (site):** The property consists of existing 1,800 square foot building and surface parking lot.
5. **Adjacent Land Use and Zoning:**
 - North** – “RX1”; Use is a vehicle sales lot (Owen Auto).
 - South** – “N3b”; Uses are one household residential.
 - East** – “RX1”; Use is retail.
 - West** – “RX1”; Use is auto repair.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the Army Post Road commercial corridor to the west of Southwest 9th Street. The surrounding area includes a mix of commercial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within 250 feet of the Watrous South neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on February 25, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 25, 2022 (20 days prior to the hearing) and March 7, 2022 (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 March 11, 2022.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous South Neighborhood Association notices were mailed to James Spiller, PO Box 35845, Des Moines, IA 50315.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

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

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed-Use.

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 proposed “MX3” Mixed-Use District is consistent with the current future “Community Mixed-Use” land use designation. Plan DSM describes this 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 describes the proposed “MX3” District as, “intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale”.

The subject property is located along Army Post Road in an area that is primarily small-scale commercial, civic, and retail uses that back up to residential uses. Staff believes that the scale of the use as proposed is compatible with the context of the corridor and would not have a considerable impact on the environment or adjoining properties so long as any “Vehicle Maintenance/Repair, Minor” use operates in accordance with the recommended zoning conditions.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jenison made a motion for:

Part A) Approval of the determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed-Use.

Part B) Approval of the proposed rezoning from "RX1" Mixed-Use District to "MX3" Mixed-Use District, to allow conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use, subject to the following:

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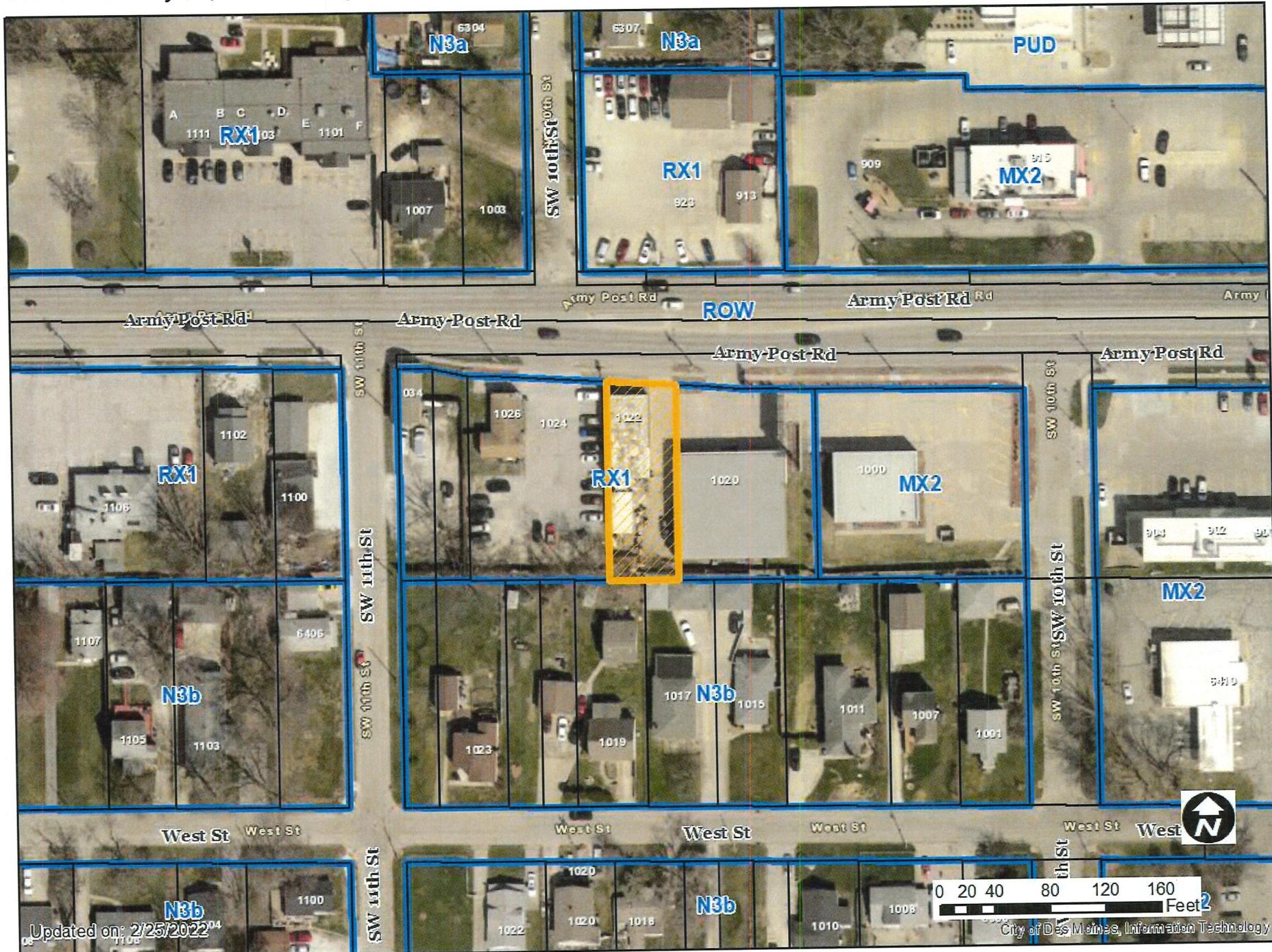
Motion passed: 10-0

Respectfully submitted,

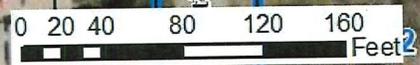


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 2/25/2022⁰⁴

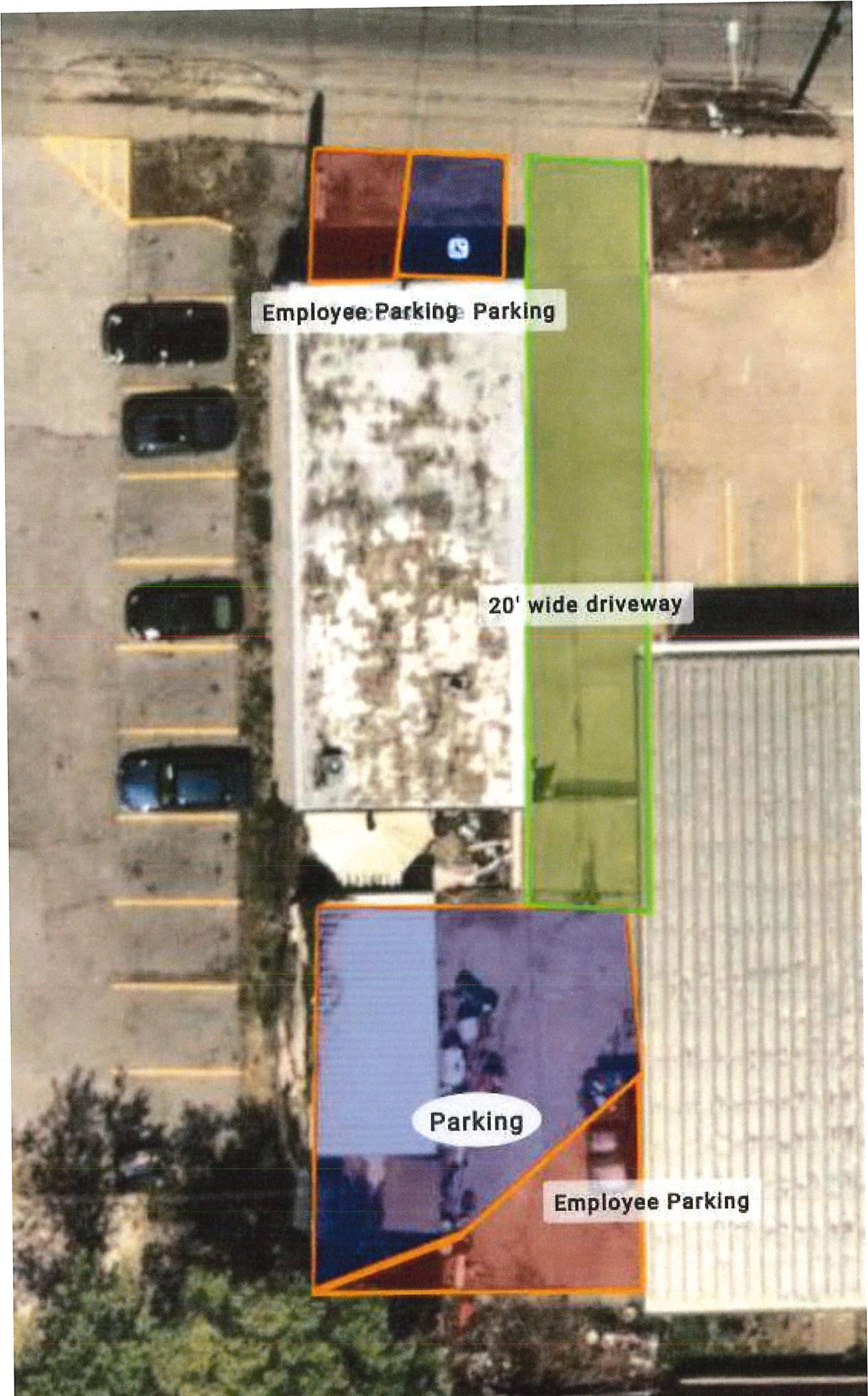


City of Des Moines, Information Technology

1 inch = 91 feet







Employee Parking

20' wide driveway

Parking

Employee Parking

Building Height 15'

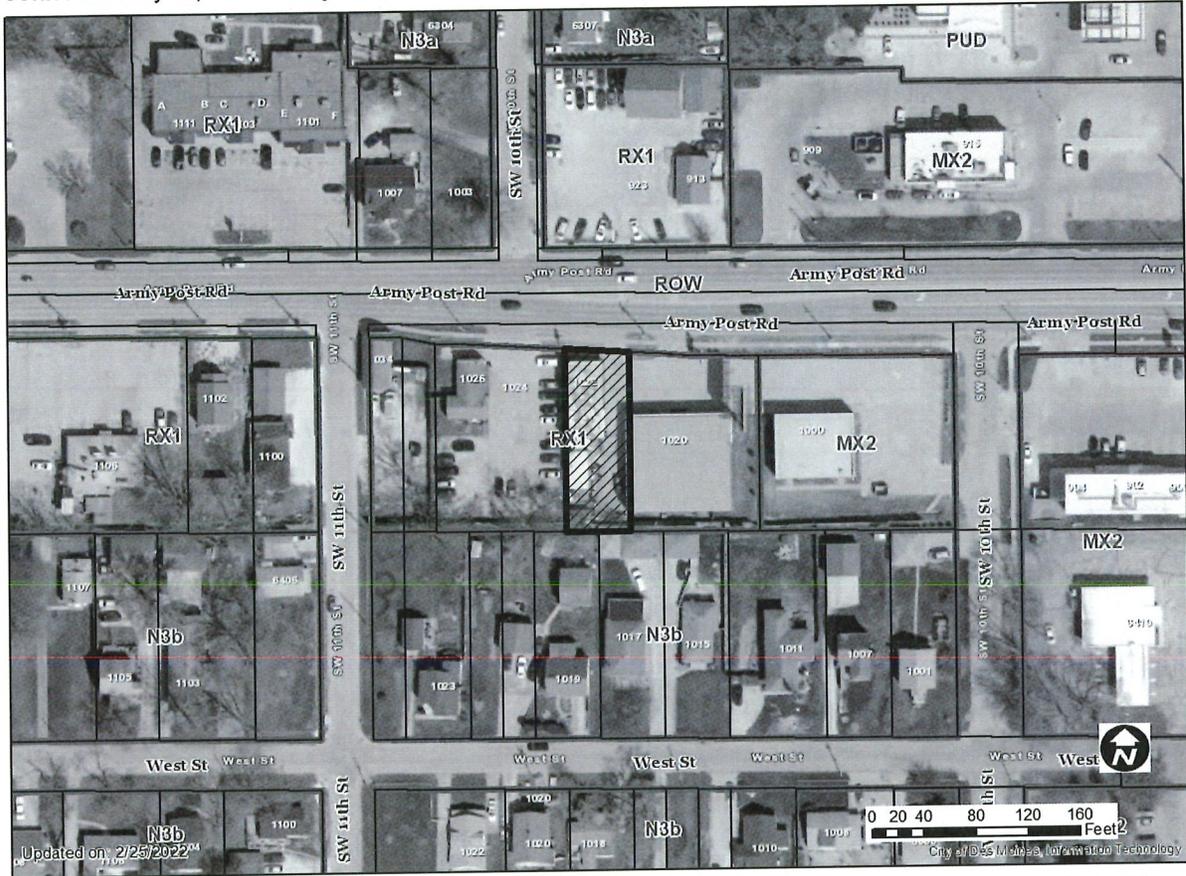
Building Length 60'

Width 30'



John A. Getsy III, 1022 Army Post Road

ZONG-2022-000017



1 inch = 91 feet

Kennedy Kustoms Zoning Change Town Hall Meeting with Neighbors Meeting Minutes

	Meeting Date and Time
Date of Meeting:	March 10, 2022
Time of Meeting:	7 PM
	Meeting Location
Location of Meeting:	Kennedy Kustoms 1022 Army Post Rd Des Moines, Iowa 50315
	Meeting Attendees
Present at Meeting:	Allan Kennedy, Armando Archuleta, Nick Kennedy
Absent from Meeting:	All Neighbors Who Were Sent An Invitation

The regular meeting of the Town Hall Meeting with Neighbors of Kennedy Kustoms was called to order at 7 PM on March 10, 2022 at Kennedy Kustoms by Allan Kennedy.

I. Approval of Agenda

The agenda for the meeting was distributed and unanimously approved.

II. Review of Previous Minutes

The minutes of the previous meeting were reviewed and unanimously approved .

III. Consideration of Open Issues

1. Time Allotted: 1 Hour | Agenda Topic: Changing Location From RX1 To MX3 Zone| Presenter: Allan Kennedy

Discussion with all attending of the wanted change of the zoning classification of the property at 1022 Army Post Rd from its current RX1 classification to the New MX3 Zone

IV. Agenda and Time of Next Meeting

The next meeting will be held at PM on January 1, 1970 at:
Kennedy Kustoms
1022 Army Post Rd
Des Moines, Iowa
50315

The agenda for the next meeting is as follows:

The meeting was adjourned at 8 PM by Allan Kennedy.

Minutes submitted by: Allan Kennedy

Minutes approved by: Allan Kennedy

Item: ZONG-2022-000017 Date: 3/12/2022 51

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAR 16 2022

Signature: Rebecca Prazak
 Name: REBECCA PRAZAK
 Address: 6307 SW Dun St

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

Spoke with the owner's son & he indicated they would be painting the building & doing a new roof & sign. Sounds like a nice quiet business. Glad it won't be vacate anymore

Item: ZONG-2022-000017 Date: March 9 2022

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

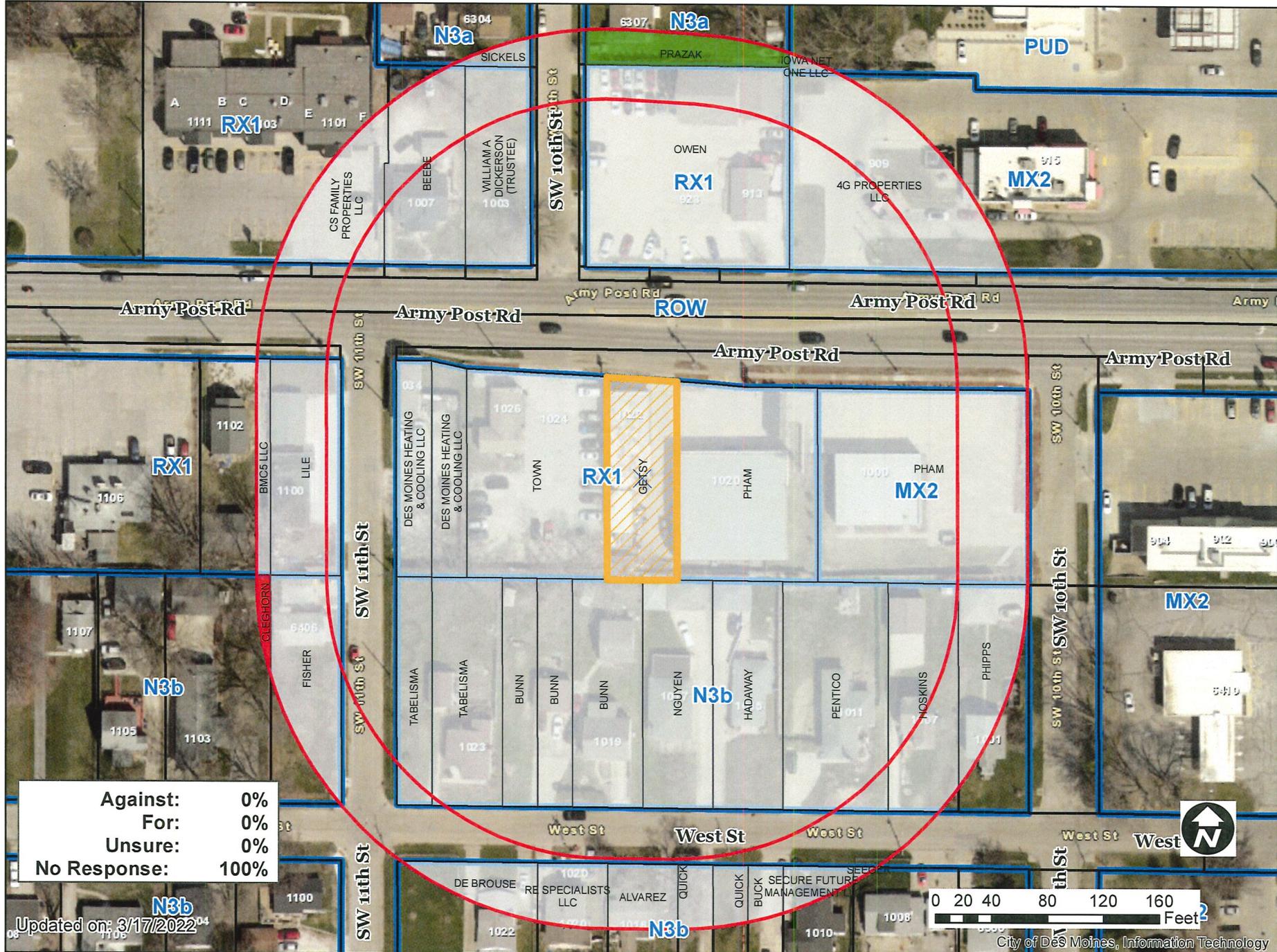
Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAR 14 2022

Signature: Don Clephorn
 Name: Donald W. Clephorn
 Address: 1103 West St.

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

City Plan an zoning Commission will do what they want anyway plus the City council since do what they want like have here 50 year and you do what you want 3 people asked for zone change you said ok plus some other things
Update say ok they are 2022 00001 2022 00002
2022 000017 you did ok



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 3/17/2022⁰⁴

