

Date October 23, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM JEDD CORPORATION (OWNER), REPRESENTED BY DANIEL R. RICE (OFFICER), TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4221 SOUTHEAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Jedd Corporation (Owner), represented by Daniel R. Rice (Officer), for property located in the vicinity of 4221 Southeast 14th Street, to rezone the property from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow renovation of an existing building use as “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” uses and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/ 4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PM, POLK COUNTY, IOWA, EXCEPT THE SOUTH 10 FEET THEREOF AND EXCEPT ROAD.

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 rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 6, 2023, at which time the City Council will hear both those who oppose and those who favor the proposals.
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.



Roll Call Number

.....

Agenda Item Number

29

Date October 23, 2023

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000057)

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

MOTION CARRIED

APPROVED

_____ Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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

October 16, 2023

Communication from the City Plan and Zoning Commission advising that at their October 5, 2023 meeting, the following action was taken regarding a request from Jedd Corporation (owner), represented by Daniel R Rice (officer), to rezone the property located in the vicinity of 4221 Southeast 14th Street from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow renovation of an existing building to be used for “Vehicle Sales and Service – Vehicle Maintenance and Repair, Minor” use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Carol Maher					X
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page					X
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower					X

APPROVAL of Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from “MX3-V” Mixed Use District to “MX3” Mixed Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found 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 request to rezone the subject property from “MX3-V” Mixed Use District to “MX3” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

- 1. Purpose of Request:** The rezoning would allow use of the property for vehicle maintenance and minor auto repair services (“Vehicle Maintenance and Repair, Minor” use) and a vehicle display lot (“Vehicle Sales” use). Due to a recent fire, the existing building has been damaged and deemed a public nuisance. The applicant proposes to renovate the building and bring the site into compliance in current requirements.

Any future construction or change in use must comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance (City Code Chapter 135). The proposed use would be subject to supplemental use regulations, per City Code Section 134-3.5.19.

- 2. Size of Site:** 2.64 acre (115,074 square feet).
- 3. Existing Zoning (site):** “MX3-V” Mixed-Use District.
- 4. Existing Land Use (site):** The property contains an existing 12,156-square foot building which was damaged due to a fire and included a variety of uses such as miscellaneous auto repair, auto body work, auto sales and associated office uses. There is undeveloped vacant land to the east of the building including a channel of the Yeader Creek that flows into the northeast corner of the property.
- 5. Adjacent Land Use and Zoning:**
 - North** – “MX3-V”; Uses are small retail, restaurant and residential apartment.
 - South** – “MX3-V”; Uses are an auto repair shop.
 - East** – “N3a”; Uses are open space, Yeader Creek and one-household residential.
 - West** – “MX3-V”; Uses are automobile display and sales and office.
- 6. General Neighborhood/Area Land Uses:** The subject property is located along the east side of the Southeast 14th Street corridor to the south of East Watrous Avenue. There are high intensity auto-oriented commercial uses along Southeast 14th Street, including big box stores, as well as a mix of small scale retail, restaurants and convenience stores. The corridor contains a significant number of vehicles display lots, with associated uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Easter Lake Area Neighborhood and within 250 feet of the South Central DSM Neighborhood. All neighborhood associations were notified of the public hearing by

emailing of the Preliminary Agenda on September 15, 2023, and of the Final Agenda on September 29, 2023.

Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2023 (20 days prior to the public hearing) and September 25, 2023 (10 days prior to the public hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All 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 Easter Lake Neighborhood Association notices were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320. The South Central DSM Neighborhood Association notices were sent to Lisa Stocker-Ross, 5817 SE 7th Ct, Des Moines, IA 50315.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Relevant Zoning History:** The City's Zoning Enforcement Division has cited the property for multiple zoning violations (case ZONE-2023-000054) and the property has been deemed a Public Nuisance (case NUIS-2023-000082).
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 subject property is designated as "Community Mixed Use" on the Future Land Use Map. PlanDSM 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 applicant is proposing to rezone the property from "MX3-V" Mixed Use District to "MX3" Mixed Use District. The Zoning Ordinance states that "MX3" is 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. Building types allowed in this district include Storefront, Commercial Cottage, General Building, Commercial Center, Civic Building and Principal Use Parking Structure.

For X district locations labeled with a “-V” extension, such as the property’s current “MX3-V” District zoning, vehicle sales and rental display uses are prohibited pursuant to City Code Section 134-3.1.2.

Staff believes that the requested rezoning would be in conformance with the land use designation of Community Mixed Use. As a result of the proposed project and rezoning of the property, the site must be brought into full compliance with City Code requirements. Any development must be in accordance with an approved site plan and supplemental regulations pursuant to Section 134-3.5.19.E of the City Code. Therefore, staff believes that the proposed rezoning would be consistent with the existing character of the surrounding area along Southeast 14th Street and would not have significant impacts on adjoining properties.

2. **Vehicle Sales and Rentals:** The zoning district of significant portions of the Southeast 14th Street corridor have been designated with a “-V” extension to discourage additional businesses involving auto oriented sales and rental display lots. The subject property with proposed auto repair and vehicle display lot is an existing business that is not proposing to expand. The improvements proposed would bring the site into compliance and will enhance the visual appearance of the property.
3. **Supplemental Use Regulations:** The proposed auto repair and auto display business would fall under the “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” use subcategories of the “Vehicle Sales and Service” use category. Per City Code Section 134-3.5.19, the proposed uses would be subject to, including but not limited to, the following:
 - No more than 3 vehicles per bay may be stored outdoors while awaiting repair or pickup.
 - No long term outdoor storage of vehicles beyond 72 hours is allowed.
 - Vehicles awaiting repair or pickup may not occupy required parking spaces.
 - All vehicles must have current license tags.
 - Outdoor storage of junk, debris, tires, or vehicle parts is prohibited.
 - All repairs must occur within a completely enclosed building.
4. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance (Chapter 135 of City Code), including the approval of driveways and access points to the site. Furthermore, the applicant may be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be legally occupied by the proposed use.

SUMMARY OF DISCUSSION

Abby Chungath advised item #8 could be considered under the consent agenda. No one was present or requested to speak.

Emily Webb made a motion to move item #8 to the consent agenda.

COMMISSION ACTION:

Carolyn Jenison made a motion for:

Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from “MX3-V” Mixed Use District to “MX3” Mixed Use District.

THE VOTE: 11-0

Respectfully submitted,

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

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Jedd Corporation, Vicinity of 4221 Southeast 14th Street

ZONG-2023-000057



1 inch = 121 feet







AUTO SALES

ALL AMERICAN CARS



ON
A GREAT SET OF WHEELS



Central
IOWA
TINT LLC
499.0199

1-800-368-7263

From: danisu6868
To: [Chakraborty, Sreyoshi](mailto:Chakraborty.Sreyoshi)
Subject: Re: FW: Rezoning app
Date: Thursday, September 28, 2023 3:26:00 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello!

Our meeting was at three and nobody showed.

I received an email from Lisa Ross and a phone call from Scott, owner of Scott's Automotive.

No one else has responded.

On Thu, Sep 14, 2023 at 4:27 PM danisu6868 <danisu6868@gmail.com> wrote:

Hi Sreyoshi,

I am taking 21 letters to PO right now. They will hopefully be postmarked today. There are 23 names on the attachment you sent me, however James Knudson was listed twice and my dad was on the list.

I am also attaching a warranty deed. Please let that be what you need for the legal description! :)

On Thu, Sep 14, 2023 at 11:53 AM Chakraborty, Sreyoshi <SChakraborty@dmgov.org> wrote:

Here you go.

From: Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Sent: Monday, September 11, 2023 4:45 PM
To: danisu6868 <danisu6868@gmail.com>
Cc: Torres, Jesse J. <JJTorres@dmgov.org>; Tarpey, Nicholas O. <NOTarpey@dmgov.org>
Subject: RE: Rezoning app

Hi Dani,

From: [danisu6868](#)
To: [Chakraborty, Sreyoshi](#)
Subject: Re: FW: Rezoning app
Date: Thursday, September 28, 2023 3:44:16 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'll forward Lisa's email and my response.

As for Scott from Scott's Automotive -

He worked for my dad 20-25 years ago at our lot. He said he's very grateful to my dad and credits him for his start. He says he'd do whatever he could to help my dad maintain his legacy.

On Thu, Sep 28, 2023 at 3:33 PM Chakraborty, Sreyoshi <SChakraborty@dmgov.org> wrote:

Okay, thanks for letting me know. If you could let me know if either Lisa or Scott had any specific questions or concerns we can include it in the presentation to the Commission.

Sreyoshi

From: danisu6868 <danisu6868@gmail.com>
Sent: Thursday, September 28, 2023 3:26 PM
To: Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Subject: Re: FW: Rezoning app

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello!

Our meeting was at three and nobody showed.

I received an email from Lisa Ross and a phone call from Scott, owner of Scott's Automotive.

From: danisu6868
To: [Chakraborty, Sreyoshi](mailto:Chakraborty.Sreyoshi)
Subject: Fwd: 4221 SE 14th St Rezoning
Date: Thursday, September 28, 2023 3:44:40 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: danisu6868 <danisu6868@gmail.com>
Date: Thu, Sep 28, 2023 at 10:44 AM
Subject: Re: 4221 SE 14th St Rezoning
To: LISA ROSS <stockerross@msn.com>

Hi Lisa!

Thank you so much for reaching out.

My dad has owned the property and ran it as a car lot for over 35 years. We are not new at all.

We had a fire in March and we are just trying to get rezoned to allow us to continue as we've always been...a car lot.

We are working with Brandon Stubbs, we know we will invest in landscaping to meet the city's requirement. I'm sure there will be other appearance improvements along the way. We are working closely with the city to ensure everyone is pleased with the end result.

On Thu, Sep 28, 2023 at 10:24 AM LISA ROSS <stockerross@msn.com> wrote:

Good morning Dani

My name is Lisa Stocker-Ross and I am the president of the South Central DSM Neighborhood Association. I am unable to attend your neighborhood meeting this afternoon.

Can you explain to me why you need this rezoning? How will the business look from the street?

We are concerned with having so many car lots along SE 14th St. Some of them tend to be over crowded and messy. We would like to improve the appearance of SE 14th St. Can you tell me how this request for rezoning with accomplish that?

I look forward to hearing your responses.

Thank You

Item: ZONG-2023-000057

Date: 09/27/23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 OCT 03 2023

Titleholder Signature: Thomas Chad Wolfe

Name/Business: Thomas Chad Wolfe - resident

Impacted Address: 4114 SE 15th St.

Comments: We have no reservation with granting this rezoning request. The business has always been a good "neighbor" and we have not had any issues with the Jedd corporation

Item: ZONG-2023-000057

Date: 9-28-23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 OCT 04 2023

Titleholder Signature: David Jedd

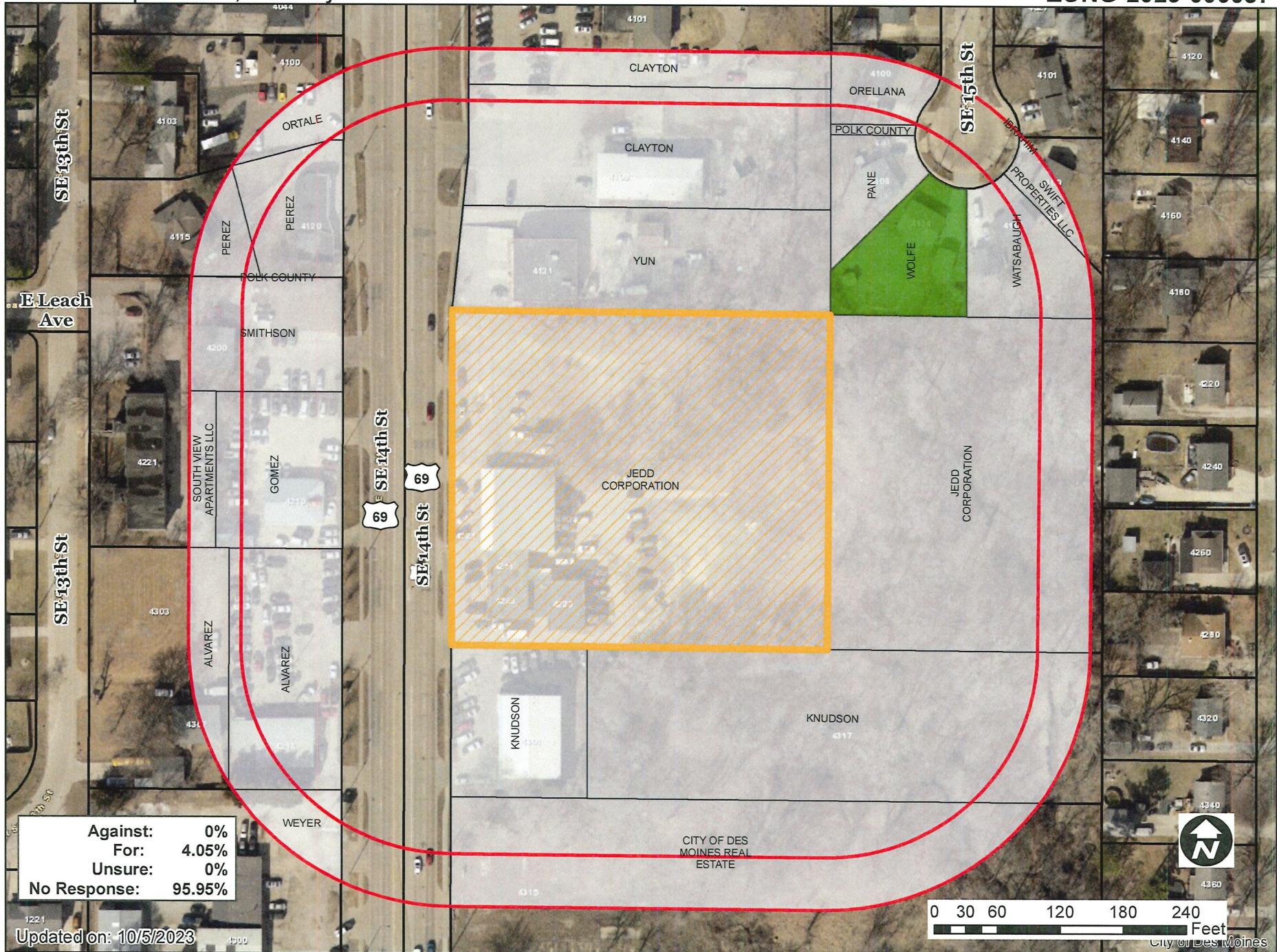
Name/Business: JEDD CORP

Impacted Address: 4221 SE 14th St.

Comments:

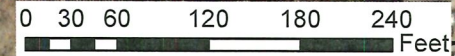
Jedd Corporation, Vicinity of 4221 Southeast 14th Street

ZONG-2023-000057

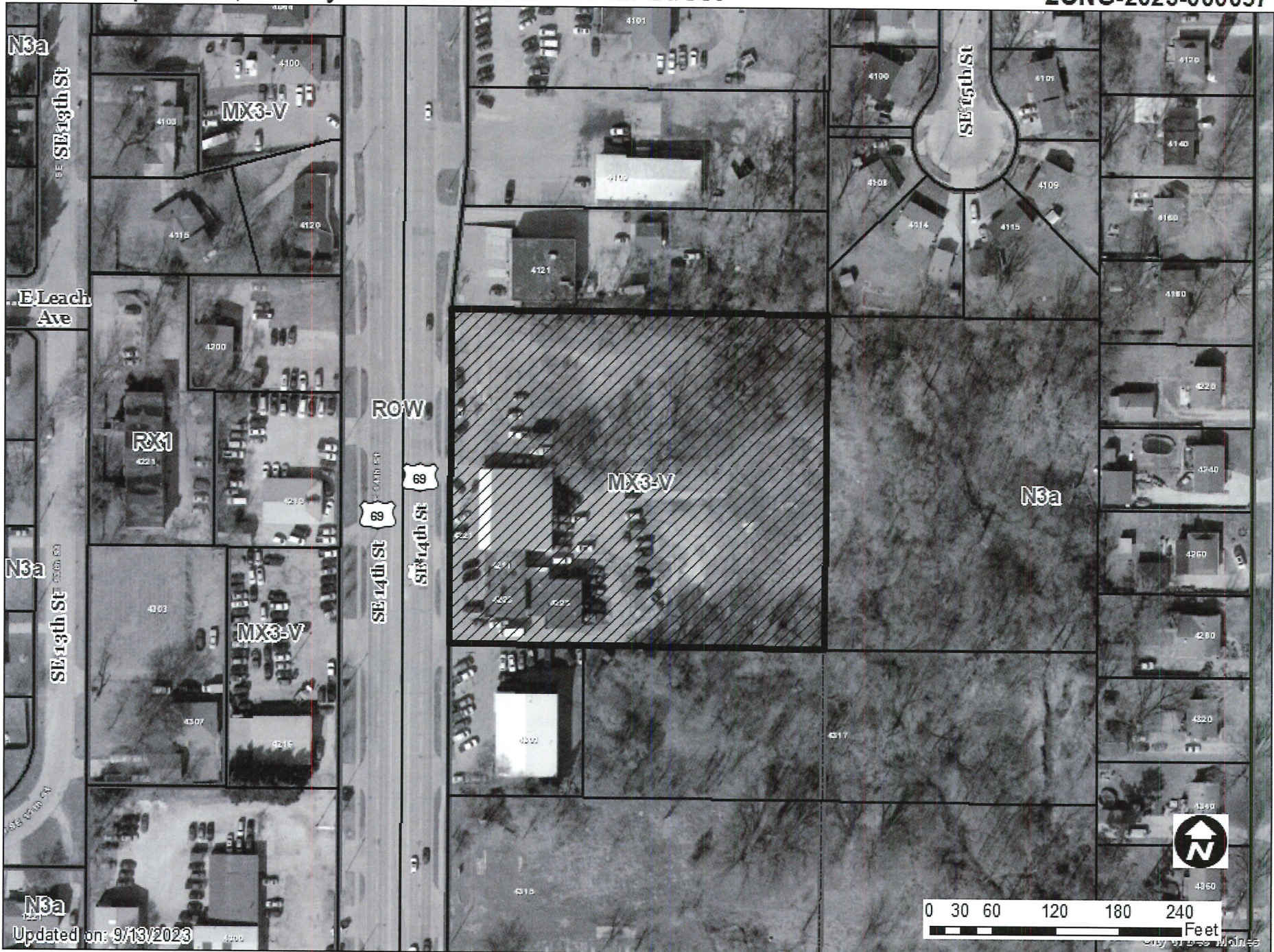


Against:	0%
For:	4.05%
Unsure:	0%
No Response:	95.95%

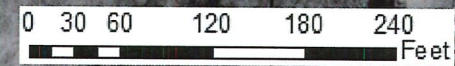
Updated on: 10/5/2023



1 inch = 121 feet



Updated on: 9/13/2023



1 inch = 121 feet