

Date February 10, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM BIG DEAL INVESTMENTS, LLC (OWNER), REPRESENTED BY DYLAN BOOK (OFFICER), FOR PROPERTY LOCATED AT 1424 ARMY POST ROAD, TO REZONE THE PROPERTY FROM “RX1” MIXED USE DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT, TO ALLOW REUSE OF THE PROPERTY FOR A “VEHICLE SALES AND SERVICE – VEHICLE RENTAL” USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Big Deal Investments, LLC (Owner) represented by Dylan Book (Officer), for the proposed rezoning from “RX1” Mixed Use District to Limited “MX3” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Big Deal Investments, LLC (Owner) represented by Dylan Book (Officer), to rezone the Property from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow reuse of the property for a “Vehicle Sales and Service – Vehicle Rental” use, subject to the following conditions:

1. Permitted uses shall be limited to:
 - a. Vehicle Sales and Service - Vehicle Rental; and
 - b. Any use as permitted in common with and as limited by the “RX1” District.
2. Any use on the property shall be in accordance with an approved site plan pursuant to Chapter 135 of the Municipal Code.
3. Any vehicle for lease, sale or hire shall be stored or displayed in the rear portion of the subject property as shown on an approved site plan.; and

WHEREAS, the Property is legally described as follows:

THE WEST 101 FEET OF THE EAST 396 FEET OF THE SOUTH 141 FEET OF THE NORTH 183 FEET OF THE EAST 12 ACRES OF THE NE 1/ 4 OF THE NE 1/ 4 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD;
and

Date February 10, 2025

WHEREAS, on January 27, 2025, by Roll Call No. 25-0117, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on February 10, 2025, at 5:00 p.m., at the City 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.

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, from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow reuse of the property for a “Vehicle Sales and Service – Vehicle Rental” use, subject to the conditions set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

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

(ZONG-2024-000047)

 **Roll Call Number**

.....

Agenda Item Number

41

Date February 10, 2025

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

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

January 21, 2025

Communication from the City Plan and Zoning Commission advising that at their January 16, 2025 meeting, the following action was taken on a request from Big Deal Investments, LLC (owner), represented by Dylan Book (officer), for the following regarding property located at 1424 Army Post Road:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
- B) Rezone property from “RX1” Mixed Use District to “MX3” Mixed Use District, to allow reuse of the property for a “Vehicle Sales and Service – Vehicle Rental” use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	x				
Chris Draper	X				
Laura Kessel	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
Jane Rongerude	X				

Approval of the following:

Part A) The request to rezone subject to conditions be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Community Mixed Use.

Part B) Rezoning the property from “RX1” Mixed Use District to Limited “MX3” Mixed-Use District, subject to the following conditions:

1. Permitted uses shall be limited to:
 - a. Vehicle Sales and Service - Vehicle Rental; and
 - b. Any use as permitted in common with and as limited by the “RX1” District.
2. Any use on the property shall be in accordance with an approved site plan pursuant to Chapter 135 of the Municipal Code.
3. Any vehicle for lease, sale or hire shall be stored or displayed in the rear portion of the subject property as shown on an approved site plan

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) The request to rezone subject to conditions be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Community Mixed Use.

Part B) Rezoning the property from “RX1” Mixed Use District to Limited “MX3” Mixed-Use District, subject to the following conditions:

1. Permitted uses shall be limited to:
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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow a change of use from vehicle repair to vehicle rental service specializing in larger passenger vans. The previous vehicle repair use was a legal non-conforming use.

Should the rezoning be approved, a site plan will be required in order for the change in use of the property to comply with applicable design regulations within City Code Chapter 135.

2. **Size of Site:** 14,241 square feet (0.327 acres).
3. **Existing Zoning (site):** “RX1” Mixed Use District.

4. **Existing Land Use (site):** The subject property includes a 3,223-square-foot, 1-story commercial building with a paved parking lot covering 100% of the parcel.

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

North – “RX1”: Uses are commercial and retail.

South – “P2”; Use is a Des Moines Public School elementary (Morris Elementary).

East – “RX1”, Use is legal non-conforming vehicle sales and repair, minor.

West – “RX1”; Uses are retail and restaurant.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of Army Post Road between Southwest 14th Street and Southwest 16th Street. The area is a mix of residential, retail, and commercial uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Watrous South Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing the Preliminary Agenda on December 27, 2024, and of the Final Agenda on January 10, 2024.

Additionally, an official public notice of the hearing for this specific item was mailed on December 27, 2024 (20 days before the hearing), and on January 6, 2025 (10 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines’ Neighborhood Services Department.

The applicant will 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 area 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 future land use designation for the property is “Community Mixed Use”. 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 subject property is currently zoned “RX1” District which the Zoning Ordinance describes as “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low-scale neighborhoods.”

The applicant is proposing to rezone the subject property to a “MX3” District. The Zoning Ordinance describes “MX3” 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.”

Staff believes that rezoning to a Limited “MX3” District would be consistent with the Community Mixed Use future land use designation, which allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking, so long as the site is developed and brought to conformance with the recommended conditions of approval. Rezoning to Limited “MX3” would be consistent with adjacent, pre-existing uses along corridor such as restaurant, retail, pre-existing minor vehicle sales and repair, residential, and civic uses. Due to the tight constraints of the subject property, staff additionally recommends that any use which would include vehicles for lease, sale or hire shall be stored or displayed in the rear portion of the subject property as shown on an approved site plan.

2. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to prepare a site plan for any proposed additions or modifications and bring the site into conformance per the conditions of approval.

Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

3. **Site Design Requirements:** Any portion of the property to be used for outside storage, display or parking of vehicles or equipment are subject to the following site design requirements pursuant to Section 135-8.2.3:
 - a) Contain at least one-half acre of land.
 - b) Satisfy Article 7 of this chapter, Landscape and Streetscape Standards.
 - c) Be surfaced in accordance with section 135-6.8.6 of this chapter.
 - d) Incorporate curbs or other substantial permanent barriers to prevent encroachment into the required setback and landscape areas. Precast wheel stops and other barriers which can be readily moved are excluded.
 - e) Not include elevated display in any required front yard.

- f) Clearly designate the employee and customer parking area, which shall not be used for the parking, storage or display of vehicles or equipment for sale, rental or hire.
- g) All portions of the property used for the outside parking, display or storage of vehicles or equipment for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface pursuant to section 135-6.8.4 of this chapter.

SUMMARY OF DISCUSSION

Johnny Alcivar 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 approval the following:

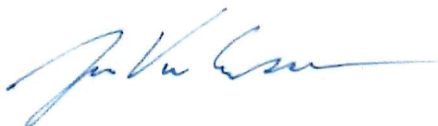
Part A) The request to rezone subject to conditions be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Community Mixed Use.

Part B) Rezoning the property from "RX1" Mixed Use District to Limited "MX3" Mixed-Use District, subject to the following conditions:

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THE VOTE 13-0

Respectfully submitted,



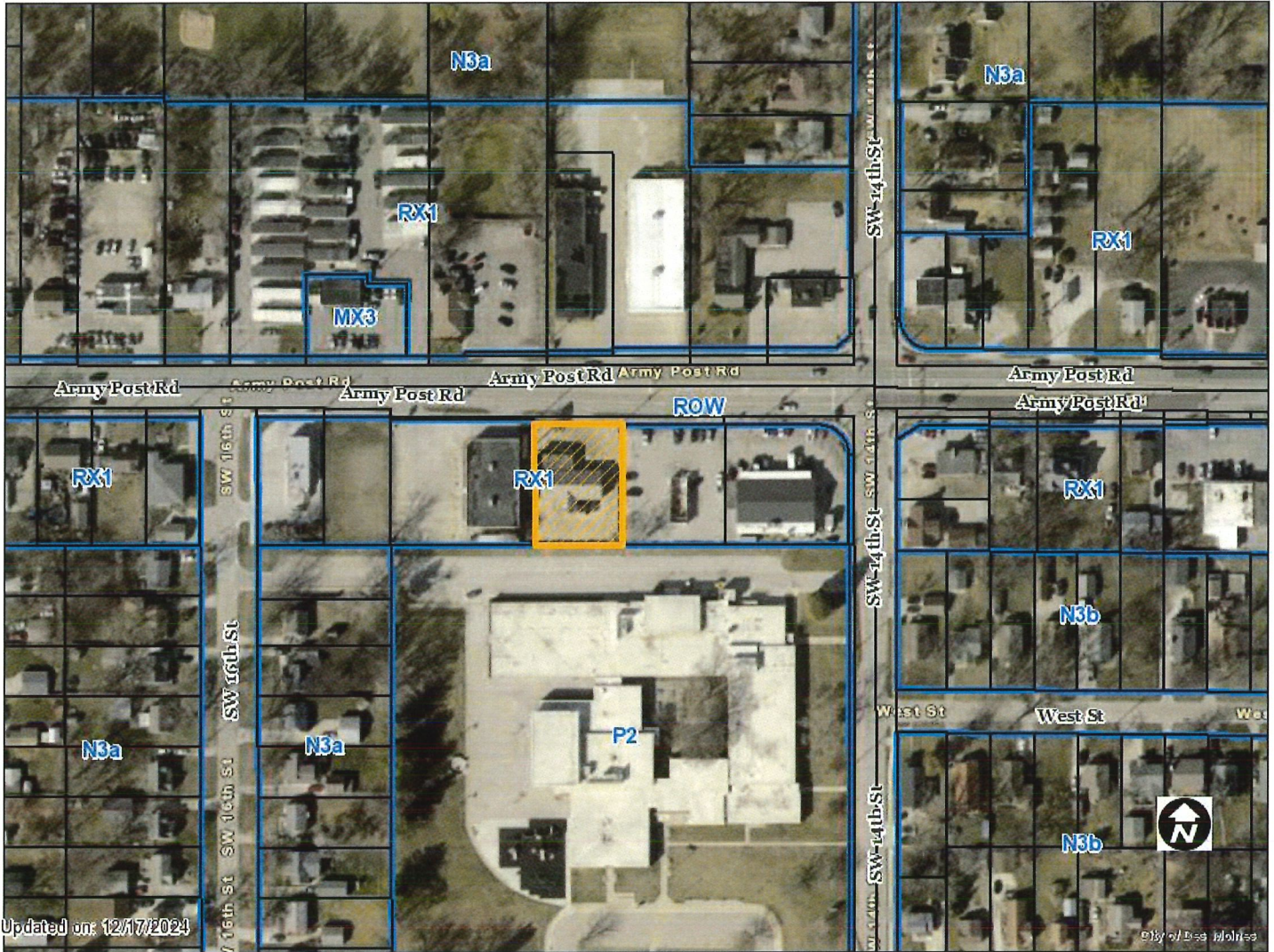
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Big Deal Investments, LLC 1424 Army Post Road

ZONG-2024-000047





Jan 8, 2025 9:39:22 AM
1427 Army Post Road
Des Moines
Polk County
Iowa



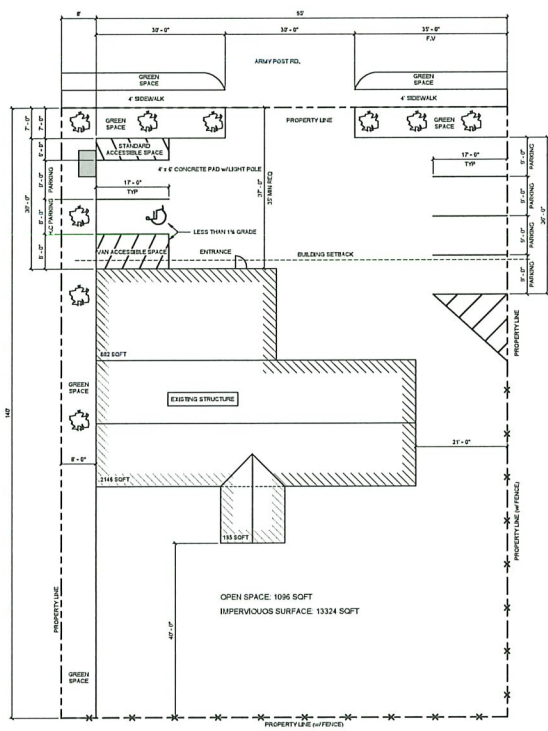
Jan 8, 2025 9:37:20 AM
1500 Army Post Road
Des Moines
Polk County
Iowa

REV	DATE	DESCRIPTION
1	10/20/24	ISSUED FOR SITE PERMITTING
2	10/20/24	ISSUED FOR SITE PERMITTING
3	10/20/24	ISSUED FOR SITE PERMITTING
4	10/20/24	ISSUED FOR SITE PERMITTING
5	10/20/24	ISSUED FOR SITE PERMITTING
6	10/20/24	ISSUED FOR SITE PERMITTING
7	10/20/24	ISSUED FOR SITE PERMITTING
8	10/20/24	ISSUED FOR SITE PERMITTING
9	10/20/24	ISSUED FOR SITE PERMITTING
10	10/20/24	ISSUED FOR SITE PERMITTING

RAV BUILDING
 DES MOINES, IA

SITE PLAN

DESIGNED BY	DRAWN BY	REV
DATE	DATE	DATE
PROJECT NO.	SITE - 1	
PROJECT NO.	Project Number	



LEGEND

- PARKING STALL
- ACCESSIBLE SPACE
- BUILDING SETBACK
- PROPERTY LINE
- WOOD FENCE

GENERAL ZONING COMPLIANCE NOTE

- ALL DESIGN AND CONSTRUCTION FOR THIS PROJECT COMPLY WITH THE CITY OF DES MOINES ZONING REGULATIONS FOR RECREATION DISTRICTS, INCLUDING BUT NOT LIMITED TO REGULATIONS FOR USE, BUILDING HEIGHT, SETBACKS, PARKING AND LANDSCAPING AS APPLICABLE.
- ANY LOCAL HEALTH AND SAFETY REQUIREMENTS MUST BE REVIEWED BY AND APPROVED BY THE CITY OF DES MOINES PLANNING AND ZONING DEPARTMENT.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING COMPLIANCE WITH ALL LOCAL ORDINANCES AND OBTAINING NECESSARY PERMITS PRIOR TO CONSTRUCTION.

LEGAL DESCRIPTION

W/1/2 E 31ST 31/4' N 1/4 NE 1/4 NE 1/4 SEC 22-78-24

PARKING CALCULATION

- PARKING REQUIREMENTS ARE CALCULATED PER THE CITY OF DES MOINES ZONING REGULATIONS FOR RECREATION DISTRICTS. THE TOTAL NUMBER OF SPACES PROVIDED MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS FOR THE PROPOSED USE.
- ACCESSIBLE PARKING SPACES ARE PROVIDED AND PROVIDED FOR THE MINIMUM WITH COMPLIANCE WITH ADA STANDARDS FOR ACCESSIBLE DESIGN AND LOCAL CODES.
- PARKING SPACES INCLUDE DRIVE WAYS, VEHICLES, AND STOPPING CONVENIENT ZONING AND REGULATIONS.
- CONTRACTOR TO VERIFY THAT ALL PARKING AREAS, INCLUDING SIGNAGE AND SURFACE FINISHES, MEET PLACE CODE REQUIREMENTS BEFORE CONSTRUCTION.
- REQUIRED: 1 STALL PER 80 SQ FT (800 SQ FT / 800 SQ FT STALLS)
- REQUIRED: 4 PARKING STALLS

NOTES

- THIS SITE SHALL BE MAINTAINED IN COMPLIANCE WITH ALL CITY CODES APPLICABLE ON DATE OF SITE PLAN APPROVAL.
- ANY STRUCTURAL OR MECHANICAL EQUIPMENT MUST BE CONCEALED FROM STREET LEVEL VIEW.
- TRANSFORMER, JUNCTION BOXES, AS LISTS OVER 2 FEET OR OTHER ITEMS MAY NOT BE IN STREET AREA.
- ANY AMENDMENTS OR CHANGES TO SITE PLAN MUST BE APPROVED WITH THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INITIAL CONSTRUCTION.
- LIGHTS SHALL BE LOW BEAM CUTOFF TYPE TO PREVENT LIGHT POLLUTION AND GLARE ON ADJACENT PROPERTIES.
- THE REQUIRED LANDSCAPING, BOTH DETAILED AND PROPOSED SHALL BE MAINTAINED FOR THE LIFE OF THE OCCUPANCY PERMIT OR CERTIFICATE OF OCCUPANCY.

BOUNDARIES
 WITH ANGLE POINT TO 78.184 IN NORTH EDGE IRON POLE
 BASE WEST SIDE OF DRIVE ELEV FT 141.377 EDP# 2214

RAV PROPERTY SITE PLAN
 10/20/24

Rent-A-Van Des Moines is looking to relocate operations from 505 Sheridan Avenue to 1424 Army Post Road. In order to do this, we need a zoning amendment to MX-3.

What is their business model? Rent A Van is a niche passenger vehicle rental operation. In practice, they operate in a very similar fashion to other, national car-rental companies such as Hertz, Avis, etc. The differences are that all rentals are round-trip, and that they specialize in the rental of passenger vans almost exclusively. They do have one pickup truck and one enclosed trailer for rent as well. The customers of Rent A Van are typically businesses (churches, non-profits, for profit) who need to transport a significant number of people together, and large families going on out of town vacations.

How do they operate? Rent A Van receives reservation requests from people who have heard about the company either from their own online research, word of mouth, or as existing customers. Today all reservations are made over the phone, however, they will be adding the ability to make a reservation online in the coming months. When a customer's reservation date arrives they come to the Rent A Van office to sign contract paperwork, pay for the rental, and pick up their van. This process takes approximately 15 minutes. The customer drives away in the van and then returns it to the shop when the rental period is over. If they return during business hours they can give the keys to the staff and leave, if they return when the office is closed a key drop is available, they park the van in an available spot, drop off the keys, and leave. We only accept credit cards for payment, unless it is an established business customer and then we will accept payment by check. When a van is returned it is checked in, inspected, and then the inside of the van is cleaned to be ready for the next rental. All maintenance of the vans is handled off-site by a professional mechanic, the only work done on vans in the shop is cleaning the inside and outside of the vans.

What type of vans or vehicles do they rent? Rent A Van has Five 15-passenger Ford Transit vans, Four 12-passenger Ford Transit vans, Four Chrysler Pacifica minivans, one F150 pickup, and one 5'x10' enclosed trailer.

How many vehicles do they have? Currently we have 14 vehicles and 1 trailer.

How often do they move in and out of the site? On average from September through May we have 15 rentals per week, so 15 departures and 15 arrivals. In the summer, from June-August, that increases to approximately 25 rentals per week, however the summer rentals tend to be for longer periods of time. An average day will see 3-4 customers in and out of the business either picking up or dropping off a van.

How many employees do they have? We have one full-time employee and 2 part-time employees. The part-time employees work an average of 10-hours/week.

How are customers getting to the site? Most customers are dropped off by someone they know. A few arrive via taxi or ride-share, and a few drive themselves to the business and leave their vehicles in our lot. This is possible because if they are taking a vehicle out on rent it leaves a parking space available for the customer's vehicle.

Hi Andy,
Thank you for the follow up on your neighborhood meeting!

JILLIAN SOMMER | CITY OF DES MOINES
Deputy Planning Administrator | Development Services
(515) 283-4581
DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309



From: Andrew Bretz <andy@rentavaniowa.com>
Sent: Saturday, January 4, 2025 11:21 AM
To: Smart, Marina <MSmart@dmgov.org>; Sommer, Jillian L. <JLSommer@dmgov.org>
Cc: Alec Wilcox <awilcox@iowaca.com>
Subject: [EXTERNAL]Community meeting for zoning change feedback

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.

Marina & Jillian,

We scheduled and made ourselves available for a meeting with the residents around our property per your requirements. Letters were sent to all 16 addresses provided by the city. The event was held on Thursday, 1/2. No one showed up for the event, so we have no summary of feedback.

Please let me know if there is anything else you need from us regarding this event in order to meet the city requirements.

Thanks!

--

Andy Bretz
Owner | Operator
Rent-a-Van Iowa
515.444.9987
andy@rentavaniowa.com

Big Deal Investments, LLC 1424 Army Post Road

ZONG-2024-000047

