



Date November 17, 2025

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM JEFF NICHOLSON (OWNER) AND TONYA NICHOLSON (OWNER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINTY OF 917 EAST 27TH COURT, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM COMMUNITY MIXED USE TO INDUSTRIAL, AND TO REZONE THE PROPERTY FROM “MX3” MIXED USE DISTRICT AND LIMITED “MX3” MIXED USE DISTRICT TO LIMITED “I1” INDUSTRIAL DISTRICT, TO ALLOW USE OF THE PROPERTY FOR A LARGE EQUIPMENT RENTAL BUSINESS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 6, 2025, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Jeff Nicholson, (Owner) and Tonya Nicholson, (Owner), for the proposed rezoning from “MX3” Mixed Use District and Limited “MX3” Mixed Use District to Limited “I1” Industrial District be found not 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 advised that at a public hearing held on November 6, 2025, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Jeff Nicholson, (Owner) and Tonya Nicholson, (Owner), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Community Mixed Use to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 6, 2025, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Jeff Nicholson, (Owner) and Tonya Nicholson, (Owner), to rezone the Property from “MX3” Mixed Use District and Limited “MX3” Mixed Use District to Limited “I1” Industrial District, to allow use of the property for a large equipment rental business, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - A. Any use as permitted and limited in the “MX3” District.
 - B. Outdoor storage of large equipment and vehicles associated with a yard and/or landscape equipment business use.; and
2. Any outdoor storage area shall be set back at least 10 feet from the front property line along East University Avenue.; and
3. Any outdoor storage shall be setback at least 5 feet from any property line.; and
4. Any outdoor storage areas shall be screened from residential uses with building, fencing, and/or landscaping to the satisfaction of the Planning and Urban Design Administrator.; and



Date November 17, 2025

5. 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).; and

WHEREAS, the Property is legally described as follows:

LOTS 2 BLOCK 4, AND THAT PART OF LOTS 1 AND 30 OF BLOCK 4 FARWELL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 30; THENCE N 90°00'W, 267.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N 00°04'E, 22.00 FEET ON THE WEST LINE OF SAID LOT 1; THENCE N 56°59 1/2'E, 11.93 FEET; THENCE S 89°46'E, 247.81 FEET; THENCE S 61°12'E, 11.42 FEET TO THE EAST LINE OF SAID LOT 30; THENCE S 00°03 1/2'E, 22.0 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING.

AND

LOTS 28 AND 29 IN BLOCK 4 IN FARWELL PLACE AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOTS 3 IN BLOCK 4 IN FAREWELL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning 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 Drive, Des Moines, Iowa, at 5:00 p.m. on December 8, 2025, at which time the City Council will hear both those who oppose and those who favor the proposals.



Roll Call Number

Agenda Item Number

19

Date November 17, 2025

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

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2025-000028) (COMP-2025-000019)

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

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.

Mayor

City Clerk

Date November 17, 2025

Agenda Item 19

Roll Call # _____



November 7, 2025

Communication from the City Plan and Zoning Commission advising that at their November 6, 2025 meeting, the following action was taken on request from Jeff Nicholson (owner) and Tonya Nicholson (owner) for the following regarding multiple parcels located in the vicinity of 917 East 27th Court::

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Community Mixed Use to Industrial.
- C) Rezone property from "MX3" Mixed Use District and Limited "MX3" Mixed Use District to "I1" Industrial District, to allow use of the property for a large equipment rental business

COMMISSION RECOMMENDATION: 10-1

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower					X
Jane Rongerude	X				
John Erpelding	X				

Approval of the following:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Denial of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Community Mixed Use to Industrial.

Part C) Approval of the request to rezone the property from "MX3" Mixed Use District and "Limited MX3" Mixed Use District to "I1" Industrial District with the following conditions:

1. Use of the property shall be limited to the following:
 - A. Any use as permitted and limited in the "MX3" District.
 - B. Outdoor storage of large equipment and vehicles associated with a yard and/or landscape equipment business use.
2. Any outdoor storage area shall be set back at least 10 feet from the front property line along East University Avenue.
3. Any outdoor storage shall be setback at least 5 feet from any property line.
4. Any outdoor storage areas shall be screened from residential uses with building, fencing, and/or landscaping to the satisfaction of the Planning and Urban Design Administrator.
5. 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).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends denial of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Community Mixed Use to Industrial.

Part C) Staff recommends denial of the request to rezone the property from "MX3" Mixed Use District and "Limited MX3" Mixed Use District to "I1" Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant, who currently owns a small landscape equipment rental business, is proposing to expand the outdoor storage for retail sales, rental, and repair of small and large machinery. This project falls under the Industrial use category and is most consistent with a Storage, Distribution and Wholesaling - Trucking & Transportation Terminal use type. The existing business including small equipment rental falls under the "Minor" category, allowed in MX3, while the large equipment side of the business falls under the "Major" category, allowed in only an I1 or I2 zoning district. The use of the property for large equipment rental does not conform to the current "MX3" District and requires a rezoning to "I1" Industrial District.

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).

2. **Size of Site:** Five (5) parcels for a total of 34,629.3 square feet (0.79 acres).
3. **Existing Zoning (site):** "MX3" Mixed-Use District and "Limited MX3" Mixed-Use District.
4. **Existing Land Use (site):** Multiple parcels including a one-household residential structure, an accessory structure, a billboard, and undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "MX3"; Uses are auto sales and auto repair shop.
 - South** – "N3c"; Uses are one household residential.
 - East** – "MX3"; Use is a multi-tenant commercial building.
 - West** – "MX3", "Limited MX3"; Uses are a small equipment rental business.
6. **General Neighborhood/Area Land Uses:** The subject property consists of five (5) parcels, three (3) of those are vacant, one (1) on the north and along University Avenue includes a billboard, and the other to the south has a single family home and detached garage. The subject property is located on the south side of the East University Avenue commercial corridor. There are low density residential uses to the south of the subject property.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairground Neighborhood and within 250 feet of the Accent Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on October 17, 2025, and the Final Agenda on October 31, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on

October 17, 2025 (20 days prior to the public hearing) and October 27, 2025 (10 days prior to the public hearing) to the Neighborhood Associations 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 Services Department on the date of the mailing.

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

8. **Relevant Zoning History:** On October 22, 2012, the City Council adopted Ordinance #15,139 to rezone the south 50 feet of the site (parcel known as 909 East 27th Street) to Limited "C-1" District, with the condition that any outdoor storage on the property shall be screened.

On July 25, 2007, the Board of Adjustment approved a Variance to allow display of small-engine equipment merchandise within the front yard setbacks along East University. This allows merchandise to be displayed on grass near the street. On February 22, 2012, the Zoning Board of Adjustment granted a Variance to allow an electronic sign (Type D) along East University Avenue.

On November 28, 2012, the Board of Adjustment approved a Variance of the requirement that all storage of materials and equipment in the "C- 1" District shall take place within a completely enclosed building, and of 10 feet less than the minimum required 10-foot setback from property zoned "Residential" District subject to conditions.

In 2019, the City of Des Moines adopted a new Zoning Code and rezoned the entire city to match the new code structure. 917 East 27th Court was rezoned to "N3c" Neighborhood District as part of the citywide rezoning. The remaining parcels within the subject property were rezoned to "MX3" Mixed Use District at that time.

On February 10, 2020, The City Council rezoned 917 East 27th Court in addition to 905 East 27th Street and 909 East 27th Street, and 916 East 27th Court to "Limited MX3" Mixed Use District subject to the following conditions:

- 1) Any expansion of the existing business, or any future development upon the Property, shall be in accordance with a Site Plan as approved by the City's Permit and Development Center; and
- 2) Any outdoor storage on that portion of the Property known as 909 East 27th Street (Lot 5 of Block 3 of Farwell Place) shall comply with the Variance granted by the Zoning Board of Adjustment on November 28, 2012 by Docket ZON2012-00130.

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 applicant is requesting that the future land use designation for the property be revised from "Community Mixed Use" to "Industrial". PlanDSM describes these designations 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.

Industrial: 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 subject property is currently zoned "MX3" District and "Limited MX3" District. The Zoning Ordinance describes "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 "Limited MX3" District is subject to the following zoning conditions:

- 1) Any expansion of the existing business, or any future development upon the Property, shall be in accordance with a Site Plan as approved by the City's Permit and Development Center; and
- 2) Any outdoor storage on that portion of the Property known as 909 East 27th Street (Lot 5 of Block 3 of Farwell Place) shall comply with the Variance granted by the Zoning Board of Adjustment on November 28, 2012 by Docket ZON2012-00130.

The applicant is proposing to rezone the subject property to "I1" District. The Zoning Ordinance describes "I1" district as, "intended or general industrial uses, warehousing, and transportation terminals."

Staff believes that the proposed land use amendment would not be consistent with the existing character of the surrounding area along the University Avenue corridor, which is primarily commercial in nature and in close proximity to the State of Iowa Fairgrounds complex. Furthermore, developments within the industrial designation could have a large impact on adjoining residential properties, which require appropriate mitigation.

Staff believes that a rezoning to "I1" District to allow the proposed outdoor storage use on the subject property would not be appropriate as it does not fit the character of a major commercial corridor and gateway to the Iowa State Fairgrounds. Furthermore, uses within an "I1" District could negatively impact residential areas to the immediate south of the subject property.

2. **Display Lot (with public access)** - This project is subject to City Code Section 135-8.2.3, supplemental regulations, for vehicle sales, vehicle rental, and trucking and transportation terminals as follows. Any portion of the property to be used for outside storage, display or parking of vehicles or equipment shall:
 - 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.
 - 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.
3. **Supplemental Use Regulations:** The proposed use is also subject to supplemental use regulations per City Code Section 134-3.6.3, including but not limited to the following:
 - a. Outdoor storage of inoperable or unsafe vehicles in quantities constituting a junk or salvage yard is prohibited.
 - b. No part of the use may be a residential use.
 - c. No odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance.
4. **Planning and Design Ordinance:** 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). Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends denial of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Community Mixed Use to Industrial.

Part C) Staff recommends denial of the request to rezone the property from "MX3" Mixed Use District and "Limited MX3" Mixed Use District to "I1" Industrial District.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Chris Draper wanted noted that the proposed "I1" Industrial zoning district does not fit the character of the area but wondered if the proposed business type is still acceptable.

Sreyoshi Chakraborty stated the business has been in existence in this area for several years and does fit the character of the area. However, they are seeking to expand the business to include outdoor storage of large equipment, which does not fit the zoning type or character of the area.

Chris Draper asked if this was a situation where the applicant must be denied at the Plan and Zoning Commission to be able to request a Use Variance from the Zoning Board of Adjustment.

Sreyoshi Chakraborty stated that the applicant does have recourse on a denial to request a Use Variance through the Zoning Board of Adjustment, and that they would have to meet the criteria for a hardship test and prove that there is no other viable use for this property. These are difficult to come by, but it is a potential option if the rezoning is denied.

John Erpelding asked for information about the billboard located on the property and if it was permanent.

Sreyoshi Chakraborty did not have measurement information on the billboard but pointed out on the site sketch submitted with the application that the design of the parking lot area had left separation between the paved area and the sign. Further questions could be deferred to the applicant.

John Erpelding inquired what might be the best use of this land and what staff would like to see on a lot such as this.

Sreyoshi Chakraborty acknowledged the challenges posed by the property containing a billboard but stated that, ideally, any future office or building constructed on the site should face the University Avenue Corridor. She added that outdoor storage should ideally be located behind the building rather than visible from East University Avenue.

Katie Gillette asked if outdoor storage would be allowed behind the building in “MX3” district.

Sreyoshi Chakraborty explained the issue that comes with the outdoor storage of large equipment in the area. Some sort of screening or separation would have to be used to separate the neighborhood to the south.

Johnny Alcivar noted the rules that apply to expansion of a development and how it must comply with a site plan. He wondered if it would also apply to areas across the street owned by applicants.

Bert Drost stated that the other parcels have already rezoned. The change is due to the expansion and desired storage of large equipment, which requires “I1” Industrial.

Johnny Alcivar asked if the house on the parcel had been included in the zoning changes.

Sreyoshi Chakraborty explained changes in the zoning of the area and that the home had originally zoned as an “N” neighborhood district since it contained a single-family home, but was since changed to a limited “MX3” District.

Will Page asked for clarification on what would be considered large equipment by zoning guidelines and the measurements.

Bert Drost commented that Chapter 134 does not define small equipment versus large equipment but noted that yard equipment such as lawn mowers and snow blowers are considered small equipment. Items used for tree trimming and boom trucks are usually considered as large equipment. Zoning Enforcement would make the official determination.

Will Page continued with changing to an industrial use could allow for a very large farm tractor.

Chris Draper pressed further about size and weight by definition and wondered if cars or semi-trucks would be considered as large equipment. Cars by definition would weigh more than 5,000 pounds.

Bert Drost stated that vehicles carry a different classification and semi-trucks would also be considered industrial use. He further explained that these larger equipment items had begun to appear for display back in May 2025 and a zoning enforcement case had been started at that time determining the items on the site were considered large equipment, which is not allowed in an “MX3” district.

Chris Draper wondered why enforcement is leading zoning and that he didn't necessarily agree that the equipment parked on the lot should be considered large equipment.

Chas Cahill stated that the zoning enforcement staff with the Neighborhood Services Department is the authority on the use and that they have determined these items to be large equipment. There is not an avenue for the Plan and Zoning Commission to disregard the findings of zoning enforcement. Such an appeal would need to be filed with the Zoning Board of Adjustment.

Chris Draper did not intend to disregard the enforcement but rather challenge it that it was wrong based on unclear definitions of what is considered large.

Chas Cahill explained that the enforcement was in place and the determination was made based on consistent codes that apply all through the city. If there is a disagreement with the code itself, it would have to be changed.

Chris Draper asked if a recommendation could be made to state that zoning enforcement was wrong. This is not large equipment, so a zoning change would not be required to industrial since this equipment would be acceptable in an "MX3"

Chas Cahill stated If in disagreement with the code, the avenue now is to deny the zoning change.

Bert Drost referenced zoning code 134.3.6.3 for guidance, which states: *Trucking and Transportation Terminals, Major. Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.*

Zoning enforcement had determined that the equipment being displayed was considered to be construction equipment.

Johnny Alcivar asked if there was any way to amend the zoning for the area to a limited "MX3" that would include the items currently available for rental.

Bert Drost stated it could be recommended to be change to a limited "I1" with conditions limited to "MX3" and then the specific use being requested.

Johnny Alcivar expressed concerns about what can be done with the site with the constraints with the billboard being in its current location. It also might not be the best area for industrial use.

Bert Drost mentioned that the applicant could appeal to the Zoning Board of Adjustment if they were in disagreement with the finding of the items being classified as construction equipment.

CHAIRPERSON OPENED PUBLIC HEARING

Jeff Nicholson, 2715 East University Avenue, gave a presentation about the proposed zoning change and property requirements. The argument was made that the equipment in question is not heavy equipment, rather lifts for tree trimming. Examples were given of additional industrial uses on the University Avenue Corridor and how they intend to improve the lot and work within the limited space of this lot due to the easement that must be provided for the billboard. The rental of this equipment is important to their overall business and supporting contractors.

Andrew Lorentzen inquired about any information available regarding the billboard sign.

Jeff Nicholson stated ownership of the billboard is with the billboard company. They were able to get a permanent easement on the property with the stipulations for allowing trucks access to work on it along with a line of site provision that won't allow for any buildings in this area to block it. They pay no rent to be on the property, and he must pay the taxes on the land along with maintaining it.

Andrew Lorentzen asked why he believed he was being asked to go through the process to change the zoning.

Jeff Nicholson stated it started with a zoning violation. After meeting with the city staff as well as his Councilman Joe Gatto, it was suggested to go through the process to change the zoning. He noted they do not have the space to store this equipment on the site west of East 27th Court and have been told they cannot do it on their lot across the street. It is important to their business, and he seeks to improve the lot to allow for the use. It's also important for them to be able to display their equipment to those driving by, as many people don't know what all the business has to offer.

Todd Garner asked how often the equipment is leased and offsite. Secondly, he wondered if the boom lifts needed to be displayed in an upright position.

Jeff Nicholson stated that if the lot were fenced, he would not display the boom lifts with the baskets up, but due to security reasons, they are much harder to steal if left in an upright position. Rental demand varies and at times, nothing is on the light. In slower season there is less demand and they do move some of the equipment to another location.

Todd Garner asked the weight of the boom lifts.

Jeff Nicholson stated they weighed around 4,000 pounds.

Johnny Alcivar asked the weight of the dump trailers.

Jeff Nicholson stated they also weighed 4,000 pounds.

Johnny Alcivar asked what the plan for the existing home on the lot would be.

Jeff Nicholson stated that he was advised that the home could not be used as a single-family home in an "I1" Industrial district and would need to be demolished. Although plans have not been set until a determination is made, they can either build another building once the home is removed or potentially convert the home to a rental office.

Chris Draper commented about the process noting that while the process seems complicated, it is the right process to deny the zoning and then allow him to seek a use variance. It is the state law that forces this process. He asked if the plans include building a new building or if the applicant only wishes to use this as a parking lot.

Jeff Nicholson stated that he is not certain yet, but if they are allowed, it's possible they would want to add a building to the back of the lot.

Chris Draper suggested that the use we are considering now is a parking lot.

Bert Drost stated the use would be considered a display lot if the equipment is available for rent or for sale.

Jeff Nicholson noted that he had been advised that there was a difference between a "I1" display lot as compared to an "I1" outdoor storage lot. The storage lot would allow for more undesirable elements allowed on lot.

Chris Draper pushed the idea of finding a solution that keeps their business going, maintains the house, and does not change this area to an industrial setting.

Jeff Nicholson stated he believed that the only way he could do the fencing that he wanted to secure the lot would be to change it to "I1" District.

Bert Drost stated that is correct if the use is considered outdoor storage rather than a parking lot, that it would have to be zoned "I1" District.

Johnny Alcivar asked why all five lots were being requested for rezoning and if the option was available to only do a portion of them.

Bert Drost stated that the applicant had requested all five lots. It's possible to change the application to exclude lots or the single-family home. It could also be recommended by the commission to only rezone three or four of the lots. If the applicant does want to convert the home to an office, it would be in their best interest to keep it within the rezoning.

Jeff Nicholson stated he believed they would have better options in the future if he rezones the entire since that would potentially allow them to put a new building in this area.

CHAIRPERSON CLOSED PUBLIC HEARING

COMMISSION ACTION

Bert Drost stated that while the staff recommendation is for denial of the rezoning, if the Commission is inclined to support the request, staff has prepared the following conditions of approval that could be considered.:

1. Use of the property shall be limited to the following:
 - A. Any use as permitted and limited in the "MX3" District.
 - B. Outdoor storage of large equipment and vehicles associated with a yard and/or landscape equipment business use.
2. Any outdoor storage area shall be set back at least 30 feet from the front property line along East University Avenue.
3. Any outdoor storage shall be setback at least 5 feet from any property line.
4. Any outdoor storage areas shall be screened with building, fencing, and/or landscaping to the satisfaction of the Planning and Urban Design Administrator.
5. 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).

Will Page voiced concerns of traffic hazards for traffic turning onto and off of East University Avenue.

Chris Draper questioned what the potential zoning conditions would accomplish and wondered if the applicant's proposal could be consider to be a surface parking under Parking Lot- Non Accessory regulations contained in City Code Section 134.3.5.15.

Chas Cahill reiterated as stated before that this is not the proper forum to determine the use, as that determination is made by the Zoning Enforcement Officer in the Neighborhood Services Department. The applicant has the option to appeal this determination through the Zoning Board of Adjustment. The request before the commission is a rezoning and not a use determinaton.

Chris Draper contended that the commission could put in the recommendation that we believe the determination is incorrect to set precedent for the future.

Chas Cahill stated it could be added in a recommendation, but it is not the use being determined today.

Jane Rongerude made a motion for the change of zoning with the potential zoning conditions presented by staff.

Emily Webb wanted verification from the applicant that they were in agreement with the conditions.

Johnny Alcivar expressed concern that the required 30-foot setback contained in condition #2 was excessive.

Bert Drost stated the 30 feet is based on the setback of the building across the street to the west, so that the outdoor storage would not be closer to East University Avenue than that existing building.

Jane Rongerude stated that she would accept a friendly amendment to the conditions but wanted the conditions to be concise to not cause uncertainty in the future.

Emily Webb made a friendly amendment to condition 2 to allow a 10-foot setback.

John Erpelding asked for clarification if the house on the property would still be allowed to be used as an office.

Bert Drost confirmed the home could be converted to an office as long as it complies with the Building Code.

Will Page expressed concern over traffic safety with moving equipment on to and off of the lot.

Jane Rongerude asked if this was currently happening.

Emily Webb stated the applicant had mentioned the equipment has been there for two years.

Johnny Alcivar noted that the traffic concerns can be reviewed in the site plan portion of the review.

Jeff Nicholson stated that landscaping companies with trailers and semi-trucks are in and out of their parking lots daily.

Laura Kessler wanted verification from the applicant that they agreed with the additional conditions.

Jeff Nicholson questioned item #4 of the conditions about the screening and had hoped to be able to display his items rather than have them behind a screen.

Andrew Lorentzen advised the clause "to the satisfaction of Planning Administrator" and this would be his opportunity to negotiate that item.

Johnny Alcivar stated that the screening would be residential facing rather than street side.

Emily Webb made a friendly amendment to #4 of the condition to clarify that outdoor storage must be screened from any residential uses.

Leah Rudolphi summarized the conditions with changes and called for the vote on the motion to read as follows:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Denial of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Community Mixed Use to Industrial.

Part C) Approval of the request to rezone the property from "MX3" Mixed Use District and "Limited MX3" Mixed Use District to "I1" Industrial District with the following conditions:

1. Use of the property shall be limited to the following:
 - A. Any use as permitted and limited in the "MX3" District.
 - B. Outdoor storage of large equipment and vehicles associated with a yard and/or landscape equipment business use.
2. Any outdoor storage area shall be set back at least 10 feet from the front property line along East University Avenue.
3. Any outdoor storage shall be setback at least 5 feet from any property line.
4. Any outdoor storage areas shall be screened from residential uses with building, fencing, and/or landscaping to the satisfaction of the Planning and Urban Design Administrator.
5. 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).

THE VOTE: 10-1 (Will Page voted in opposition)

Respectfully submitted,

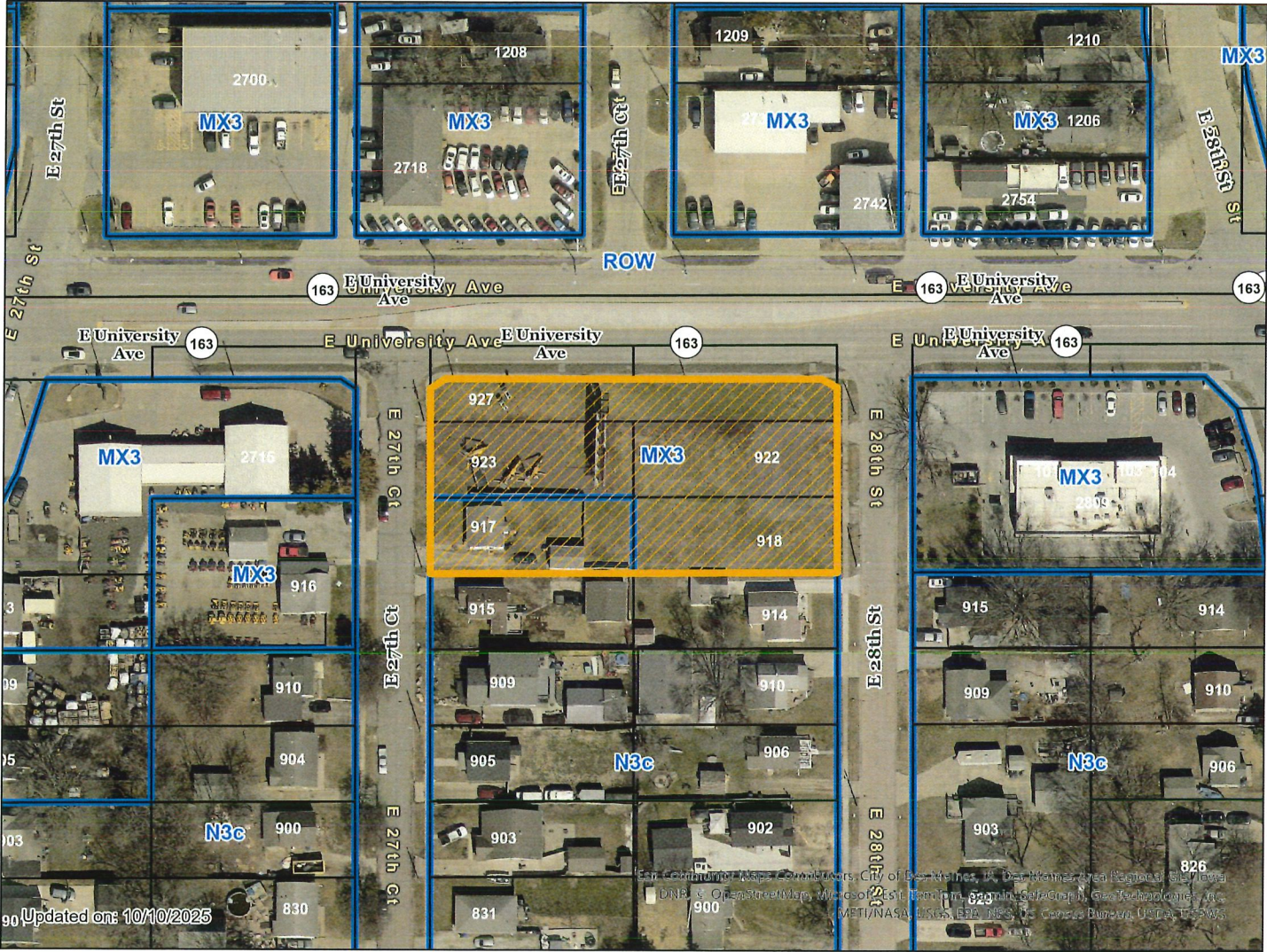


Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:mrw

Jeff and Tonya Nicholson, Vicinity of 917 East 27th Court

ZONG-2025-000028



ZONING:
UNCLASSIFIED (USE DISTRICT)
BULKHEAD SETBACKS
FRONT: 15-00; ADJACENT: FRONT: 20-00;
SIDE: 10
REAR: 10-5; 4' ALLEY



Project Narrative for Rezoning of E University properties.

This Property is owned by Jeff & Tonya Nicholson owners of P&P Small Engines located directly west of said property.

P&P Small Engines has been in the same Location on the east side of Des Moines Since 1976. Myself (Jeff) & Tonya Nicholson Purchased the Business in 2003.

In business you must adapt to survive in the changing landscape and as the demand for some products and services dwindle there is typically something new that can fill the void.

In our case one of those products has been the addition of Rental Equipment. The majority of our customer base is heavily involved in Tree work and landscaping. We saw their need for towable boom lifts, mini skid loaders and dump trailers and other small pieces of rental equipment. Unfortunately, our current zoning doesn't allow for these to be displayed on the billboard lot. Although this equipment all weighs less than 5,000 pounds in the city's eyes its considered heavy equipment. After talking with city staff, I was told that I-1 display would be the proper zoning for our current usage of this empty lot.

I think it's important to point out how many times this lot has been bought and sold in the 23 years since we purchased the business. People have bought it with a plan that never could be fulfilled. Most of this is due to the giant electronic billboard that has a permanent easement to one lot and sight restrictions to all adjacent lots -there are very limited options for business use here and that's probably why it's the only undeveloped lot on the East University corridor.

I don't believe this property development will change the character of the neighborhood. We have AE dairy less than a mile away, there are several Car dealers within a few blocks, and the State Fair Grounds is 3 blocks away. With the right site plan the billboard will blend into the background instead of sitting there all alone on an empty property.

Thanks for your Consideration

The Nicholson Family- Jeff, Tonya & Brian











From: [Jeff Nicholson](#)
To: [Chakraborty, Sreyoshi](#)
Subject: Re: ZONG-2025-000028 917 E 27TH CT
Date: Tuesday, October 28, 2025 6:49:43 PM
Attachments: [image001.png](#)

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello Sreyoshi

We had our neighbor hood meeting tonite and only had a few show up.

I laid out what started this process and what are working through with the city to Improve things on the lot and continue to serve the community with their rental needs.

Kaylee Barker and Kimberly Clark along with their families came and both are in support of the I-1 zoning and back our business.

Dennis Baker called and said he was unable to attend but was in support of us and what we have proposed.

Tina Payton from the fairgrounds neighborhood association attended and will be preparing a letter.

Please advise if there is anything else you need from me before P&Z next week.

Thank you , Jeff

Jeff Nicholson

President/ Owner
P & P Small Engines
2715 E University Ave
Des Moines, IA 50317

Phone: 515-265-8889
Fax: 515-265-0521

jeff@pandpsmallengines.com

On Wed, Oct 22, 2025 at 9:15 AM Jeff Nicholson <jeff@pandpsmallengines.com> wrote:

You explained it well yesterday. Thanks for your help.

I mailed out the letters yesterday afternoon so we are good to go for the Nov 6th P&Z.

We will hold the meeting next tuesday.

OCTOBER 28, 2025 TUESDAY

NEIGHBORHOOD MEETING

NAME:

ADDRESS:

PHONE:

Dennis Baker (unable to attend - called)

910 E 28th St

(515) 314-6481

Kimi Edelberg

909 E. 27th Ct

515-720-6845

Kaylee Barker

905 E 27th Ct, DSM, IA, 50317

515.779.8638

Jana Fayth

2336 Logan Ave DSM 50317

From: [TINA PAYTON](#)
To: [Planning](#)
Cc: [vince.cooper2221@yahoo.com](#); [jeff@pandpsmallengines.com](#); [Joe P. Gatto \(Ext\)](#); [Gatto, Joe P.](#); [Purdy, Sean P.](#)
Subject: Neighborhood support letter - P&P small engines - 110625 agenda
Date: Monday, November 3, 2025 7:50:32 AM
Attachments: [image001.png](#)
[20251106 PZ Agenda.pdf](#)
[20251120 PZ Agenda PRELIMINARY.pdf](#)

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Due to response time needed for this week's (11/6/25) planning & zoning meeting, I am sending below support letter via email to ensure timely receipt before this week's meeting.

Please see below Fairground Neighborhood Association support letter for Jeff & Tonya Nicholson @ P&P Small Engines.

(cc NID & City Councilman to ensure the content noted in red is addressed/forwarded appropriately for further attention/discussion)

ATTN: SREYOSHI CHAKRABORTY - DM PLANNING & ZONING contact

As President of the Fairground Neighborhood Association, I had the pleasure of meeting with Jeff, his wife, and the neighbors that came to the Oct 28 meeting to discuss the details for this proposal.

Having consulted with Board members, this organization has no issues or concerns with the requested changes and fully support P&P Small Engines & request the Zoning Board continue to allow the use of 917 E 27th Court for its current large equipment.

Separately, we will address the unwelcome offroading (nuisance) activities that have taken place on his property, which is a growing problem on open lots in our neighborhood. This is causing undue/excessive efforts on all parts to ensure impacted properties in this neighborhood are well maintained and requires city's support and attention to deter this unnecessary activity.

Tina Payton
515.779.3638
President, Fairground Neighborhood Association
2336 logan Ave, DSM IA 50317

Item: ZONG-2025-000028 Date: OCT 27-25

Please mark one of the following:

☒ I support the request

☐ I am undecided

☐ I oppose the request

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
NOV 5 2025

Titleholder Signature: Kimberly Clark - Eddinger

Name/Business: P-P Small Engines

Impacted Address: 909 E 27th Ct

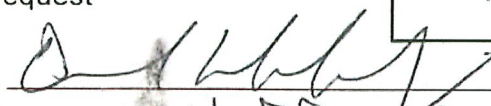
Comments: Let Them Do it They
Support alot of people around
The neighborhood and surrounding
area. Really good people
Thank you

Item: ZONG-2025-000028 Date: 10/29/25

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
NOV 5 2025

Titleholder Signature: 

Name/Business: Derrick Huffy, DCR Holdings

Impacted Address: 900 E 27th ct

Comments: _____

Item: ZONG 2025 000028 Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
NOV 5 2025

Titleholder Signature: Darin M. Leysen

Name/Business: MGM Properties LLC

Impacted Address: 1206 E 28th St

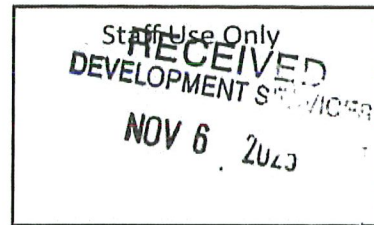
Comments: _____

Item: ZONG-2025-000028

Date: 11-3-25

Please mark one of the following:

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



Titleholder Signature: Kayla Barker

Name/Business: Kayla Barker

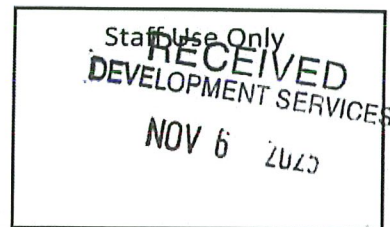
Impacted Address: 905 E 27th Ct

Comments: I fully support this decision
as it will improve our neighborhood.

Item: ZONG-2025-000028 Date: _____

Please mark one of the following:

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



Titleholder Signature: _____

Name/Business: _____

Impacted Address: TOM'S AUTO SALES INC.
2136 East University Ave.
DES MOINES, IA 50317

Comments: _____

Runs a nice business

