

Date July 13, 2026

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM MONTE PROPERTIES (OWNER), REPRESENTED BY BRENDA SANCHEZ (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 2006 INDIANOLA AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD MIXED USE AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO “MX1” MIXED-USE DISTRICT, TO ALLOW THE CONVERSION OF A “RETAIL SALES” USE TO A “TOBACCO STORE” USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2026, its members voted 6-5 in support of a motion to recommend **DENIAL** of a request from Monte Properties (Owner), represented by Brenda Sanchez (Officer), for the proposed rezoning from “N5” Neighborhood District to “MX1” Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2026, its members voted 6-5 in support of a motion to recommend **DENIAL** of a request from Monte Properties (Owner), represented by Brenda Sanchez (Officer) for property located at 2006 Indianola Ave, to amend the PlanDSM: Creating Our Tomorrow Land Use Plan designation from Low Density Residential to Neighborhood Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 4, 2026, its members voted 6-5 in support of a motion to recommend **DENIAL** of a request from Monte Properties (Owner), represented by Brenda Sanchez (Officer) for property located at 2006 Indianola Ave, to rezone the property from “N5” Neighborhood District to “MX1” Mixed-Use District, to allow the conversion of a “retail sales” use to a “tobacco store” use; and

WHEREAS, the Property is legally described as follows:

Lot 1 89 (except that part conveyed to the City of Des Moines in the Warranty Deed recorded in Book 5815 Page 995) and that part of Lot 164 described as Beginning at the Southeast corner of said Lot 164, thence Northwesterly 8 feet, thence Southwesterly 31.6 feet; thence East 35.12 feet to Point of Beginning, all in Crawford Place, an Official Place, now included in and forming a part of the City of Des Moines, Polk County, Iowa (locally known as 2006 Indianola Avenue, Des Moines, IA 50315).

WHEREAS, on June 29, 2026, by Roll Call No. 26-0741, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on July 13, 2026, at 5:00 p.m. at the City Council Chambers; and



Date July 13, 2026

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, along with any objections to the proposed rezoning, which have been duly considered, the hearing is hereby closed.

Alternative A

MOVED by to DENY the proposed rezoning.

Second by

Alternative B

MOVED by to continue the public hearing until August 3, 2026, at 5:00 p.m. in the Council Chambers, 1200 Locust Street, Des Moines, Iowa and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the requested rezoning of the Property from "N5" Neighborhood District to "MX1" Mixed-Use District, to allow the conversion of a "retail sales" use to a "tobacco store" use, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Second by

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

/s/ Emily A. Duffy
Emily A. Duffy
Assistant City Attorney

(COMP-2026-000007) (ZONG-2026-000010)



Roll Call Number

.....

Agenda Item Number

38

Date July 13, 2026

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

June 15, 2026

Communication from the City Plan and Zoning Commission advising that at their June 4, 2026 meeting, the following action was taken on request from Monte Properties Inc (owner), represented by Brenda Sanchez (officer), for the following regarding property located at 2006 Indianola Avenue:

- 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 Low Density Residential to Neighborhood Mixed Use.
- C) Rezone the property from "N5" Neighborhood District to "MX1" Mixed-Use District, to allow the conversion of a "Retail Sales" use to a "Tobacco Store" use.

COMMISSION RECOMMENDATION: 6-5

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Leah Rudolphi	X				
Laura Kessel	X				
Jane Rongerude		X			
Johnny Alcivar					X
Dominic Anania	X				
Matt Connolly					X
Chris Draper		X			
Clayton Elwell		X			
Todd Garner	X				
Katie Gillette		X			
Andrew Lorentzen		X			
Carolyn Jenison	X				
William Page	X				
Rick Trower					X

Approval of the following motion:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Low Density Residential.

Part B) Denial of the requested amendment to PlanDSM to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.

Part C) Denial of the requested rezoning from "N5" Neighborhood District to "MX1" Mixed-Use District.

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 future land use designation of Low Density Residential.

Part B) Staff recommends denial of the requested amendment to PlanDSM to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends denial of the requested rezoning from "N5" Neighborhood District to "MX1" Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would allow conversion of an existing "Retail Sales" use to a "Tobacco Store" use, which requires a rezoning to the "MX1" Mixed Use District. The subject property contains two (2) commercial buildings. The northern building is currently occupied by a legal non-conforming "Retail Sales" use, which would be converted to a "Tobacco Store" use. The southern building is occupied by a legal non-conforming "Restaurant" use (La Pena), which would remain. No exterior modifications are currently proposed for the site. Furthermore, there are no current plans by the proposed "Tobacco Store" use to sell alcoholic liquor, wine, or beer. Should the rezoning be approved, the proposed "Tobacco Store" use would be subject to review and approval of a Conditional Use by the Zoning Board of Adjustment.

Should the rezoning be approved, a Site Plan will be required for a change in the use of the property, which complies with applicable design regulations within City Code Chapter 135.

2. **Size of Site:** 9,750 square feet (0.224 acre).
3. **Existing Zoning (site):** "N5" Neighborhood District.
4. **Existing Land Use (site):** The subject property includes a 1,701-square foot building occupied by a "Retail Sales" use and a 693-square foot building occupied by a "Restaurant" use, as well as a paved parking area in front of the buildings.
5. **Adjacent Land Use and Zoning:**
 - North – Limited "RX1": Use is a one-story commercial building.
 - South – "N5"; Uses are a bar and one-household residential.
 - East – "N3c", Uses are one-household residential.
 - West – "N5"; Uses are one-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the west side of Indianola Avenue at its intersection with East Fulton Drive. The surrounding area includes a mix of commercial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Indianola Hills Neighborhood Association and within 250 feet of McKinley School/Columbus Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on May 15, 2026, and of the Final Agenda on May 29, 2026.

Additionally, an official public notice of the hearing for this specific item was mailed on May 15, 2026 (20 days before the hearing), and on May 22, 2026 (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 can provide a summary of the neighborhood meeting at the public hearing.
8. **Relevant Zoning History:** On January 23, 2026, a Zoning Inspector issued a Notice of Violation to the subject property for installation of signs without a permit, as required under Section 134-5.2.C of the City Code.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the



criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject area owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to prepare a site plan (due to the proposed change of use) and bring the site to conformance with current standards in accordance with City Code Chapter 135.
2. **Conditional Use Approval:** Should the rezoning be approved, a Conditional Use is needed to allow a "Tobacco Store" use, per City Code Section 134.5.16. Additionally, the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any tobacco store, place of worship, school, public park or licensed childcare facility as defined by Iowa Code Chapter 237A, are located.
3. **PlanDSM Creating Our Tomorrow:** The subject property is currently zoned "N5" Neighborhood District. The Zoning Ordinance describes the "N5" District as "intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code."

The applicant is proposing to rezone the subject property to the "MX1" Mixed-Use District. The Zoning Ordinance describes the "MX1" District as, "intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods."

The future land use designation for the property is "Low Density Residential". The proposed "MX1" Mixed Use District zoning requires the land use designation to be amended to Neighborhood Mixed Use. PlanDSM describes these designations as follows:

Low Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

4. **Staff Rationale:** Staff does not believe that the proposed “MX1” Mixed Use District is appropriate for this property, as the “MX1” District would allow for consideration of Conditional Uses necessary for a “Tobacco Store” use or a “Liquor Store” use. Given the limited size of the property and the proximity of residential uses, Staff does not believe that this site could provide the separation necessary to prevent these types of uses from having negative impacts on the surrounding residential properties.

The commercial properties along Indianola Avenue in proximity to this site are primarily zoned “RX1” Mixed Use District, which is a less intense commercial district. Staff would be supportive of rezoning the site to “RX1” District. However, the proposed “Tobacco Store” use could not be considered in the “RX1” District, but it would allow the existing “Retail Sales” use to a conforming use. If the applicant wishes to revise their rezoning application to request the “RX1” District instead of the “MX1” District, the applicant can ask the Commission to continue to the public hearing to an upcoming Plan & Zoning Commission meeting agenda so that appropriate zoning conditions can be drafted by Staff.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use, such as a “Tobacco Store” use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan. Any requested Use Variance is subject to review criteria within Section 134-6.7.7 of the Municipal Code.

III. **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 future land use designation of Low Density Residential.

Part B) Staff recommends denial of the requested amendment to PlanDSM to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends denial of the requested rezoning from “N5” Neighborhood District to “MX1” Mixed-Use District.

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

Chris Draper asked if sales of products are calculated on number of sales or the value.

Bert Drost responded it is calculated by value.

Chris Draper asked how long the store had been functioning as a tobacco store.

Bert Drost did not know exactly but noted that the Zoning Enforcement had noticed a change of use back in January when signs were installed without permits.

Chris Draper noted that the Commission already has several months of real-world experience with the use, providing actual data on traffic, parking, and operational impacts rather than relying solely on projections or assumptions.

Jane Rongerude asked if the property had changed ownership and if the applicant was the owner of business or the landlord of the property.

Bert Drost deferred to the applicant to answer the question but believed that the property had sold in 2021.

CHAIRPERSON OPENED PUBLIC HEARING

Suresh Gajmer, 2006 Indianola Avenue, spoke as the owner of the business. He wishes to continue operating as a tobacco shop and comply with all local laws. His neighborhood meeting had been successful with 18 people, and no one had made issue with the business being in the neighborhood.

Jane Rongerude asked if he was the tenant or the property owner.

Suresh Gajmer stated that he is the tenant.

Jane Rongerude asked if he had started the business in January.

Suresh Gajmer stated that was correct.

Jane Rongerude wondered when he had rented the building if he was advised by the property ownership that he would not be able to operate this type of business in this location due to the zoning.

Suresh Gajmer explained that when he leased the property, his original intent was to operate a retail clothing store. He stated that many of his customers were from the surrounding neighborhood and had requested that tobacco products also be offered for sale. After discussing the matter with the property owner and receiving support to pursue rezoning, he began the process to allow additional use.

CHAIRPERSON OPENED PUBLIC HEARING

COMMISSION ACTION

Chris Draper stated that it was unfortunate the use had not been approved earlier and suggested that better communication may have helped avoid the situation. He noted



that he did not personally object to the proposed tobacco sales and was generally supportive of allowing a business to respond to market demand. He stated that the requested zoning change appeared reasonable and that he would support it. While acknowledging that others may oppose the request for different reasons, he argued that traffic concerns were not supported by the evidence, as the property had operated in a similar manner without significant impacts. He stated that any decision to deny the request should be based on other considerations rather than traffic-related concerns.

Jane Rongerude stated that she shared a similar perspective, noting that the neighborhood meeting was well attended and that the business had been operating for approximately six months without generating significant opposition. She observed that no strong concerns about the business were raised at the meeting and noted that other commercial uses, including a nearby bar, already exist in the area. Given the opportunities for neighborhood input and the lack of evidence that the business was negatively impacting the neighborhood, she stated that the request appeared reasonable.

Andrew Lorentzen stated that his primary concern was the disconnect between the proposed vape shop use and the zoning classification. He questioned why a vape shop would require a more intensive zoning designation when the property itself seemed suited to a small-scale neighborhood commercial use. He noted that the building's size, location, and parking limitations naturally restrict the range of potential businesses that could operate there. He suggested that the use is similar to a convenience-oriented retail business and expressed the view that the existing RX1 zoning district is likely the most appropriate zoning classification for the neighborhood.

Will Page made motion for the following:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Low Density Residential.

Part B) Denial of the requested amendment to PlanDSM to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.

Part C) Denial of the requested rezoning from "N5" Neighborhood District to "MX1" Mixed-Use District.

Chris Draper asked for clarification regarding the implications of denying the rezoning request. Specifically, he questioned whether denial would prevent the applicant from pursuing the proposed use through a Conditional Use Permit under the current zoning district, or whether the requested zoning change was a prerequisite before such an application could be considered.

Jason Van Essen clarified that the Commission's action was only a recommendation on the rezoning request to the City Council, which is the body authorized to approve or

deny zoning changes. He explained that even if the City Council were to approve the rezoning, the proposed use would not automatically be allowed. The applicant would be required to obtain Conditional Use approval from the Zoning Board of Adjustment. He noted that the motion before the Commission was to recommend denial of the rezoning request to the City Council, consistent with the staff recommendation.

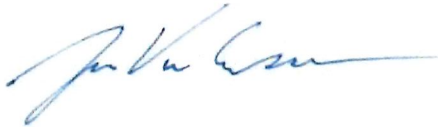
Jane Rongerude asked for further discussion from other members not in support of the allowing the change and their reasons.

Laura Kessel expressed support for the motion to recommend denial of the rezoning request. While acknowledging the arguments made in favor of the proposal, she expressed concern that tobacco and alcohol-related retail uses can alter the character of a primarily residential corridor. She stated that there is justification for maintaining the existing character of the area and moving toward an RX1 zoning pattern focused on neighborhood-serving retail uses rather than tobacco and alcohol sale.

Leah Rudolphi asked for any other comments and requested a vote.

THE VOTE: 6-5 (Chris Draper, Clayton Elwell, Katie Gillette, Andrew Lorentzen, and Jane Rongerude opposed)

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

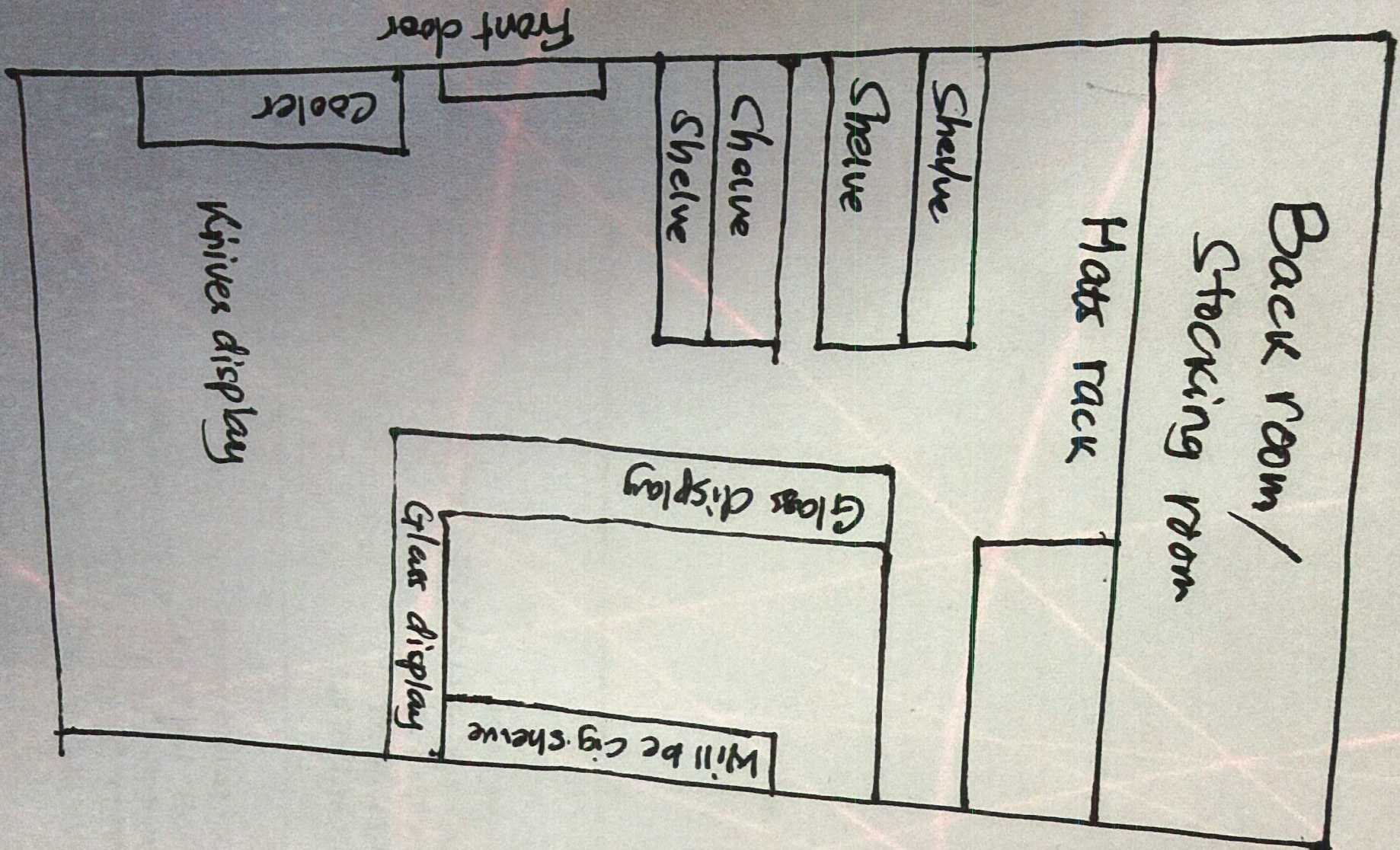
JMV:mrw

Monte Properties Inc, 2006 Indianola Avenue

ZONG-2026-000010



Updated on: 5/13/2026



From: [Heilskov, Chris E.](#)
To: [Chakraborty, Sreyoshi](#); [Suresh Gajmer](#)
Cc: [Dunn-Young, Frank A.](#)
Subject: RE: ZONG-2026-000010 2006 INDIANOLA AVE
Date: Wednesday, May 6, 2026 10:49:54 AM
Attachments: [image001.png](#)
[image005.png](#)
[image006.png](#)
[2006 Indianola Ave., Chapter 134 NOV PDF \(1\).pdf](#)
[IMG_2305.JPG](#)
[IMG_2311.JPG](#)
[IMG_2314.JPG](#)

Suresh,

Per our conversation, on 4/23/26 and the use you proposed at the pre-application meeting 4/7/23, the use is consistent with a Limited Retail 134-3.5.16 (A) use operating as a Tobacco Store as defined in 134-9.23 with sales exceeding 40 percent derived from the sale of tobacco, supplies, vape, electronic cigarettes and devices.

134-9.23

Tobacco store: a place of business primarily engaged in the retail sale of tobacco related products, cigarettes, alternative nicotine products, and vapor products, or any combination thereof, all as defined in Iowa Code chapter 453A, or any successor provision thereto. 

The property is zoned N5. The property has legal non-conforming rights for limited retail as it has been in continual operation as limited retail prior to the re-zoning in Dec 2019. This zoning does not allow a tobacco store by right and would require re-zoning and a conditional use approval granted by the Zoning Board of Adjustment.

During our zoning inspection on 1/22/26 staff observed signs installed without permits and illegal signs. During that inspection, the inspector made entry and noticed items and area of sales floor that are consistent with a tobacco shop. I requested information from you to substantiate the claim that you made regarding a change from your proposal to limited retail with a tobacco license. I haven't received any supporting documentation. As planning staff shared the path forward with your current model is re-zoning and conditional use approval at the Zoning Board of Adjustment.

Please follow the guidance provided by Sreyoshi, and the pre-application meeting notes. I am including Frank Dunn-Young who can assist with your application to the Board of Adjustment.

Thank you,

Chris Heilskov
Zoning Enforcement Officer
Neighborhood Services



Office: (515) 283-4207 **Direct** (515) 237-1486
City of Des Moines, 1200 Locust Street Des Moines, IA 50309

















CITY OF DES MOINES PLAN & ZONING COMMISSION
STAFF REPORT AND RECOMMENDATION
Thursday, June 4, 2026

AGENDA ITEMS #1A – #1C

**ZONG-2026-000010 &
COMP-2026-000007**

Applicant: Monte Properties Inc (owner), represented by Brenda Sanchez (officer).

Location: 2006 Indianola Avenue.

Requested Action: 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 Low Density Residential to Neighborhood Mixed Use. (COMP-2026-000007)

C) Rezone property from “N5” Neighborhood District to “MX1” Mixed-Use District, to allow the conversion of a “Retail Sales” use to a “Tobacco Store” use. (ZONG-2026-000010)

GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow conversion of an existing “Retail Sales” use to a “Tobacco Store” use, which requires a rezoning to the “MX1” Mixed Use District. The subject property contains two (2) commercial buildings. The northern building is currently occupied by a legal non-conforming “Retail Sales” use, which would be converted to a “Tobacco Store” use. The southern building is occupied by a legal non-conforming “Restaurant” use (La Pena), which would remain. No exterior modifications are currently proposed for the site. Furthermore, there are no current plans by the proposed “Tobacco Store” use to sell alcoholic liquor, wine, or beer. Should the rezoning be approved, the proposed “Tobacco Store” use would be subject to review and approval of a Conditional Use by the Zoning Board of Adjustment.

Should the rezoning be approved, a Site Plan will be required for a change in the use of the property, which complies with applicable design regulations within City Code Chapter 135.

2. **Size of Site:** 9,750 square feet (0.224 acre).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The subject property includes a 1,701-square foot building occupied by a “Retail Sales” use and a 693-square foot building occupied by a “Restaurant” use, as well as a paved parking area in front of the buildings.

5. Adjacent Land Use and Zoning:

North – Limited “RX1”: Use is a one-story commercial building.

South – “N5”; Uses are a bar and one-household residential.

East – “N3c”, Uses are one-household residential.

West – “N5”; Uses are one-household residential.

- 6. General Neighborhood/Area Land Uses:** The subject property is located along the west side of Indianola Avenue at its intersection with East Fulton Drive. The surrounding area includes a mix of commercial and residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located within the Indianola Hills Neighborhood Association and within 250 feet of McKinley School/Columbus Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on May 15, 2026, and of the Final Agenda on May 29, 2026.

Additionally, an official public notice of the hearing for this specific item was mailed on May 15, 2026 (20 days before the hearing), and on May 22, 2026 (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 can provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** On January 23, 2026, a Zoning Inspector issued a Notice of Violation to the subject property for installation of signs without a permit, as required under Section 134-5.2.C of the City Code.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject area owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to prepare a site plan (due to the proposed change of use) and bring the site to conformance with current standards in accordance with City Code Chapter 135.
2. **Conditional Use Approval:** Should the rezoning be approved, a Conditional Use is needed to allow a "Tobacco Store" use, per City Code Section 134.5.16. Additionally, the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any tobacco store, place of worship, school, public park or licensed childcare facility as defined by Iowa Code Chapter 237A, are located.
3. **PlanDSM Creating Our Tomorrow:** The subject property is currently zoned "N5" Neighborhood District. The Zoning Ordinance describes the "N5" District as "intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code."

The applicant is proposing to rezone the subject property to the "MX1" Mixed-Use District. The Zoning Ordinance describes the "MX1" District as, "intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods."

The future land use designation for the property is "Low Density Residential". The proposed "MX1" Mixed Use District zoning requires the land use designation to be amended to Neighborhood Mixed Use. PlanDSM describes these designations as follows:

Low Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

4. **Staff Rationale:** Staff does not believe that the proposed "MX1" Mixed Use District is appropriate for this property, as the "MX1" District would allow for consideration of Conditional Uses necessary for a "Tobacco Store" use or a "Liquor Store" use. Given the limited size of the property and the proximity of residential uses, Staff does not

believe that this site could provide the separation necessary to prevent these types of uses from having negative impacts on the surrounding residential properties.

The commercial properties along Indianola Avenue in proximity to this site are primarily zoned "RX1" Mixed Use District, which is a less intense commercial district. Staff would be supportive of rezoning the site to "RX1" District. However, the proposed "Tobacco Store" use could not be considered in the "RX1" District, but it would allow the existing "Retail Sales" use to a conforming use. If the applicant wishes to revise their rezoning application to request the "RX1" District instead of the "MX1" District, the applicant can ask the Commission to continue to the public hearing to an upcoming Plan & Zoning Commission meeting agenda so that appropriate zoning conditions can be drafted by Staff.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use, such as a "Tobacco Store" use. Such a Use Variance would not require an amendment to the PlanDSM Creating Our Tomorrow future land use plan. Any requested Use Variance is subject to review criteria within Section 134-6.7.7 of the Municipal Code.

III. STAFF RECOMMENDATION

1. Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Low Density Residential.
2. Part B) Staff recommends denial of the requested amendment to PlanDSM to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use.
3. Part C) Staff recommends denial of the requested rezoning from "N5" Neighborhood District to "MX1" Mixed-Use District.

Subject: Neighborhood Meeting
Name of Store: DSMCLOUD LLC
Tobacco License Application
2006 Indianola Ave
Des Moines, IA 50315

Dear Neighbor,

You are receiving this letter because you own property or live within 500 feet of my new retail Store, DSMCLOUD.

I'm writing to inform you that (Suresh Gajmer, owner of DSMCLOUD) is applying for new Tobacco License to sell Tobacco Products at 2006 Indianola Ave. As a part of our commitment to being a responsible neighbor, we are hosting a community Meeting to discuss our plans, share our operational security measures, and answer your questions before we submit our final application to the city of Des Moines.

Meeting Details

Date: Saturday, May 23rd 2026

Time: 10:00am to 1:00pm.(Meeting last only for few minutes, so you can come anytime between 10am to 1:00pm.

Location: Columbus Park, Open Air Shelter
1921 SE 1st St. Des Moines, IA 50315

Note: (We will provide Pizza and Soft drinks).

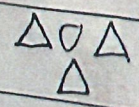
At this Meeting, we will discuss our plans to ensure compliance with all local laws, including our strict policies for checking identification to prevent sales to Minors.

If you are unable to attend or have any questions, please reach out to me directly at (515)554-1738 or email me at sureshgajmer@gmail.com.

I hope you will attend this meeting to support small businesses.

Sincerely,
Suresh Gajmer
Owner of DSMCLOUD

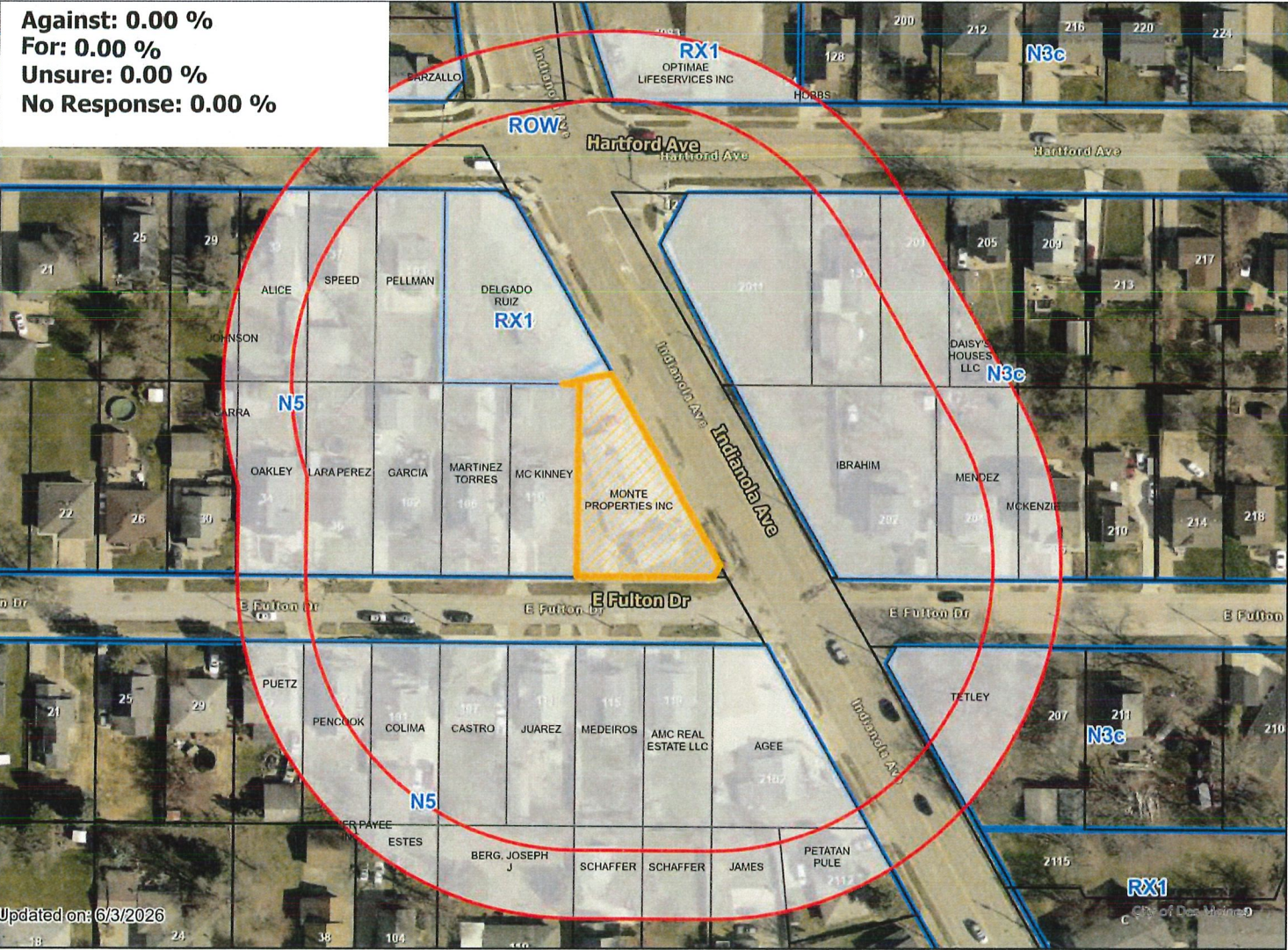
	Name	Signature
1	Ellie Juanen	Ellie Juanen
2	Nolan Snyder	Nolan Snyder
3	Danielle Hobbs	Danielle Hobbs
4	Griselda Franco	GF
5	Jason Case	Jan Case
6	Raymond Kiefer	Raymond Kiefer
7	Amber Thomas	Amber Thomas
8	Ricky Myers	Rich Myers
9	George Westfield	George Westfield
10	John McARE	John McAre
11	Andy Rush	Andy Rush
12	Noah Hickey	Noah Hickey
13	Bill Hickey	Bill Hickey
14	Aaron Bass	Aaron Bass
15	Abbey Cook	Abbey Cook
16	Ace Winn	Ace Winn
17	Adam Luke	Adam Luke
18	Taylor Chatter	Taylor Chatter



We talked about applying for new tobacco license to sell tobacco products in this neighborhood located at 2006 Indianola Ave. we discussed our plans and shared our operational security measures. We discussed our plans to ensure compliance with all local laws , including our strict policies for checking identifications to prevent tobacco sales minors. I will make sure my employees check ID under 30 for any tobacco products.

Monte Properties Inc, 2006 Indianola Avenue

ZONG-2026-000010



From: [Molly Hanson](#)
To: [Chakraborty, Sreyoshi](#)
Subject: ZONG-2026-000010 DSMCLOUD LLC
Date: Friday, May 22, 2026 1:27:43 PM

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I'm concerned about this project and the rezoning request.

There are already a LOT of tobacco and vape shops on the south side and the property is currently zoned N5 which seems appropriate considering all the housing around there.

While I want to support local businesses, I just can't support yet another smoke shop on the south side.

I'm opposed to this project.

Regards,

Molly Hanson

