



**Roll Call Number**

22-0042

**Agenda Item Number**

29

**Date** January 10, 2022

**RESOLUTION SETTING HEARING ON APPEAL BY SHELDEN HOLDINGS, LLC  
OF DENIAL OF TYPE 2 DESIGN ALTERNATIVE FOR SITE PLAN FOR PROPERTY  
LOCATED AT 2551 DOUGLAS AVENUE**

**WHEREAS**, at a public hearing held on November 4, 2021, the City Plan and Zoning Commission considered a request from Shelden Holdings, LLC (owner), represented by Dennis and Shelley Kay (officers), for approval of the Site Plan “2551 Douglas Avenue Vehicle Sales and Service” and of Type 2 design alternatives waiving requirements for vehicle display lot size set forth in Municipal Code Section 135-8.2.3.A and undergrounding of transmission systems set forth in Municipal Code Section 135-9.2.1.E, related to proposed site improvements for a new tenant to continue the existing auto repair use and to add a vehicle sales use as shown in said Site Plan on property located at 2551 Douglas Avenue (“Property”); and

**WHEREAS**, Municipal Code Section 135-8.2.3.A requires that any portion of a property to be used for outside storage, display or parking of vehicles or equipment for vehicle sales, vehicle rental, and trucking and transportation terminal uses contain at least one-half (0.5) acre of land; and

**WHEREAS**, the Property is 0.425 acres in size and therefore is not compliant with said Section 135-8.2.3.A, and Shelden Holdings, LLC submitted a Site Plan for Property proposing to reserve 6 spaces for vehicle display within the existing 12-stall parking lot; and

**WHEREAS**, in review and recommendation to the City Plan and Zoning Commission, the City’s Planning Administrator recommended the following to which Shelden Holdings, LLC agreed:

- Conditional approval of the Type 2 design alternative waiving Section 135-8.2.3.A to waive the 0.5-acre lot-size requirement, subject to the site plan condition that only the 3 parking spaces closest to Douglas Avenue be utilized for vehicle display purposes rather than the 6 parking spaces originally requested by Shelden Holdings, LLC; and
- Approval of the Type 2 design alternative waiving Section 135-9.2.1.E to waive the requirement to place all overhead utility systems underground on the Property, as it would not be reasonably practicable at said location; and

**WHEREAS**, the Plan and Zoning Commission voted 9-4 to approve the Site Plan submitted by Shelden Holdings, LLC and the Type 2 design alternative waiving undergrounding of utilities required by Section 135-9.2.1.E, and to deny the Type 2 design alternative for Section 135-8.2.3.A rather than approving it as requested by Shelden Holdings, LLC or conditionally approving it as recommended by the City’s Planning Administrator and agreed to by Shelden Holdings, LLC; and

**WHEREAS**, Shelden Holdings, LLC has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9.B seeking further review of the Plan and Zoning Commission’s denial of the Type 2 design alternative to the Site Plan to waive the 0.5-acre lot-size requirement set forth in Municipal Code Section 135-8.2.3.A, and requesting that the Council approve said Type 2 design alternative and further approve the use of 6 parking spaces on the Property for vehicle display as originally proposed by Shelden Holdings, LLC.



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

1. The City Council shall consider the appeal by Sheldon Holdings, LLC at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 pm on January 24, 2022, at which time the City Council will hear both those who oppose and those who favor the proposals.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by Boesen to adopt.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(SITE-2021-000047)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

J. M. Frankin Cownie Mayor

P. Kay Cmelik City Clerk