



Roll Call Number

25-1628

Agenda Item Number

47

Date December 8, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JEFF NICHOLSON (OWNER) AND TONYA NICHOLSON (OWNER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY 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
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:



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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.

WHEREAS, on November 17, 2025, by Roll Call No. 25-1535, 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 December 9, 2025, at 5:00 p.m., at the City Council Chambers; and

WHEREAS, after an Applicant request, City Staff presented the Applicant a revised, proposed rezoning legislation with updated conditions 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. Display of large equipment and vehicles associated with a yard and/or landscape equipment business use.; and
2. Any display areas shall be screened from residential uses located to the south with building, fencing, and/or landscaping to the satisfaction of the Planning and Urban Design Administrator.; and
3. 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



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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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Community Mixed Use to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, "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 conditions set forth above in the City Staff proposed rezoning conditions, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.
SECOND BY Simonsen.

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	7			

MOTION CARRIED

APPROVED

Connie Boesen

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.

Laura Baumgartner

City Clerk