



Date January 24, 2022

**RESOLUTION HOLDING 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; and

WHEREAS, on January 10, 2022, by Roll Call No. 22-0042, it was duly resolved by the City Council that the appeal be set down for hearing on January 24, 2022 at 5:00 P.M. in the Council Chambers; 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 of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed Type 2 Design Alternative, both for and against, have been given the 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 statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission denial of the Type 2 Design Alternative in form requested by Shelden Holdings, LLC for property located at 2551 Douglas Avenue, as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission, Shelden Holdings, LLC, and the Lower Beaver Neighborhood Association, respectively, are hereby received and filed.

Alternative A

MOVED BY _____ to **DENY** the Type 2 Design Alternative in form requested by Shelden Holdings, LLC and described above, and thus uphold the denial by the Plan and Zoning Commission, and to make the following findings of fact and objections regarding the Type 2 Design Alternative as proposed by Shelden Holdings, LLC:

- a. 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.
- b. The Property is 0.425 acres in size and therefore is not compliant with said Section 135-8.2.3.A.
- c. Shelden Holdings, LLC is proposing multiple uses competing for space and parking within a small site, with the Property not containing enough area to provide sufficient space to reduce the potential for parking conflicts and vehicle overcrowding within the Property.
- d. Allowing vehicle sales use on the Property could further cause double parking and blocking of vehicles thereon to the detriment of the neighboring properties.
- e. Allowing outdoor storage of vehicles for sale on the Property could result in the Property being primarily used for vehicles sales, which would not be consistent with the future Douglas Avenue Corridor Plan.
- f. Shelden Holdings, LLC has not met the burden required to demonstrate that its requested design alternative meets the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with Municipal Code Section 135-8.2.3.A.
- g. Shelden Holdings, LLC has not shown that its requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- h. Shelden Holdings, LLC has not shown that its requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- i. The Type 2 Design Alternative as proposed by Shelden Holdings, LLC should not be approved for the reasons stated above.

Alternative B

MOVED BY _____ to **APPROVE** the Type 2 Design Alternative in form recommended by the City's Planning Administrator and described above, and to make the following findings of fact and objections regarding the Type 2 Design Alternative as recommended by the City's Planning Administrator:



Date January 24, 2022

- a. 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.
- b. The Property is 0.425 acres in size, and thus only 0.075 acres less than the minimum size required to comply with said Section 135-8.2.3.A.
- c. The proposed vehicle sales use is appropriate and complementary as a use secondary to the vehicle repair activities that have previously operated on the Property insofar as parking for the vehicle sales use is limited and subordinate to parking related to the vehicle repair activities.
- d. Any more than three (3) parking spaces on the Property devoted to the proposed vehicles sales use would not be appropriate given the Property’s size (0.425 acres) and physical constraints (cell tower and accompanying easement).
- e. The Type 2 Design Alternative as recommended by the City’s Planning Administrator providing for a smaller vehicle display area on the Property, limited to the three (3) parking spaces closest to Douglas Avenue, would reduce the potential for parking conflicts between the multiple uses competing for parking within a small site and for vehicle overcrowding within the Property, and would allow the Property to meet the intent of Section 135-8.2.3.A to require vehicle display uses on sufficiently-sized lots.
- f. The Type 2 Design Alternative as recommended by the City’s Planning Administrator had been agreed to as acceptable by Shelden Holdings, LLC, prior to the November 4, 2021 denial of its Type 2 Design Alternative request by the Plan and Zoning Commission.
- g. Shelden Holdings, LLC has not met the burden required to demonstrate that its requested design alternative meets the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the above-stated alternate Type 2 Design Alternative recommended by the City’s Planning Administrator, constituting a compromise position between full compliance with the Planning and Design Ordinance and Shelden Holdings, LLC’s proposal.
- h. Shelden Holdings, LLC has not shown that its requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- i. Shelden Holdings, LLC has not shown that its requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- j. The Type 2 Design Alternative as proposed by Shelden Holdings, LLC should not be approved for the reasons stated above.
- k. The Type 2 Design Alternative, in form recommended by the City’s Planning Administrator, to allow waiver of Section 135-8.2.3.A and secondary use of the Property for vehicle display purposes subject to limitation of the vehicle display area to the three (3) parking spaces closest to Douglas Avenue, should be upheld and approved for the reasons stated above.
- l. Said Type 2 Design Alternative, in form recommended by the City’s Planning Administrator, is approved subject to submission by Shelden Holdings, LLC depicting that only the three (3) parking spaces closest to Douglas Avenue be utilized for vehicle display.

Alternative C

MOVED BY _____ to **APPROVE** the proposed Type 2 Design Alternative in form requested by Shelden Holdings, LLC and described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternative:

- a. Municipal Code Section 135-9.2.2.B.1 provides that design alternatives are intended to allow for relief from the Planning and Design Ordinance when “specific site features or characteristics of the subject property,



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including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable.”

- b. 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.
c. The Property is 0.425 acres in size, and thus only 0.075 acres less than the minimum size required to comply with said Section 135-8.2.3.A.
d. The proposed vehicle sales use is appropriate and complementary as a use secondary to the vehicle repair activities that have previously operated on the Property, and Sheldon Holdings, LLC and its tenant intend to limit and subordinate the proposed vehicle sales use and related parking to the vehicle repair activities.
e. Allowing six (6) parking spaces on the Property, of the twelve (12) parking spaces thereon, to be used for the proposed vehicles sales use is acceptable given that the Property is approximately the minimum size required by Section 135-8.2.3.A.
f. Sheldon Holdings, LLC has met the burden required to demonstrate that the requested design alternative meets the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Section 135-8.2.3.A of the Planning and Design Ordinance.
g. Sheldon Holdings, LLC has shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
h. Sheldon Holdings, LLC has shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
i. Said Type 2 Design Alternative, in form requested by Sheldon Holdings, LLC, should be approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

MOVED by _____ to adopt.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(SITE-2021-000047)

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

City Clerk



Date January 24, 2022

Agenda Item 26b

Roll Call # _____

November 12, 2021

Communication from the City Plan and Zoning Commission advising that at their November 4, 2021 meeting, the following action was taken regarding a request from Sheldon Holdings, LLC (owner), represented by Dennis and Shelley Kay (officers), for review and approval of Public Hearing Site Plan “2551 Douglas Avenue Vehicle Sales and Service” for property located at 2551 Douglas Avenue, and for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B):

- A) Waiver of the requirement that any portion of a property to be used for outside storage, display, or parking of vehicles for a vehicle sales display lot is required to contain at least one-half acre of land, per City Code Section 135-8.2.3(A).
- B) Waiver of the requirement for placement of all electrical, telephone, and cable transmission systems underground, per City Code Section 135-9.2.1(E).

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-4 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper		X		
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar		X		
Lisa Howard	X			
Carolyn Jenison		X		
William Page	X			
Steve Wallace	X			
Greg Wattier		X		
Emily Webb				X

APPROVAL of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments and recommends the following as it relates to the requested Design Alternatives:

Part A) **Denial** of a Type 2 Design Alternative to waive the requirement that any portion of a property to be used for outside storage, display, and parking of vehicles for a vehicle display lot is required to contain at least one-half acre of land, provided that only the 3 parking spaces closest to Douglas Avenue be utilized for vehicle display.

Part B) **Approval** of a Type 2 Design Alternative to waive the requirement to place all overhead utility systems underground, as it would not be reasonably practicable at this location. (SITE-2021-000047)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments and recommends the following as it relates to the requested Design Alternatives:

Part A) Staff recommends approval of a Type 2 Design Alternative to waive the requirement that any portion of a property to be used for outside storage, display, and parking of vehicles for a vehicle display lot is required to contain at least one-half acre of land, provided that only the 3 parking spaces closest to Douglas Avenue be utilized for vehicle display.

Part B) Staff recommends approval of a Type 2 Design Alternative to waive the requirement to place all overhead utility systems underground, as it would not be reasonably practicable at this location.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing site improvements for a new user of the property. Previously, an auto repair business operated at this site. The new tenant is proposing to continue the previous auto repair use, while also adding a vehicle sales use. Design Alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.
- 2. Size of Site:** 18,493 square feet (.425 acres).
- 3. Existing Zoning (site):** "MX3" Mixed Use District.
- 4. Existing Land Use (site):** The property contains an auto repair facility and accompanying office space. There is also a cell tower in the northwest corner of the property.
- 5. Adjacent Land Use and Zoning:**

North – “MX3”; Uses are outdoor storage and undeveloped parcels.

South – “MX3”; Uses are offices, general commercial uses, and a one-household dwelling unit.

East – “MX3”; Use is a retail strip mall.

West – “MX3”; Uses are outdoor storage, wholesale sales, and an office.

6. **General Neighborhood/Area Land Uses:** The subject property is located along Douglas Avenue, in a portion of this commercial corridor that contains a mix of uses such as restaurants, retail stores, vehicle sales lots, and offices.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Lower Beaver Neighborhood and within 250 feet of the Prospect Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on October 15, 2021, and by mailing of the Final Agenda on October 29, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on October 25, 2021 (10 days prior to the public hearing) to the neighborhood association 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 Development Division on the date of the mailing. The Lower Beaver Neighborhood mailings were sent to Jeremy Geerdes, 4025 Lower Beaver Road, Des Moines, IA 50310. The Prospect Park Neighborhood mailings were sent to Mark Gordon, 2400 26th Street, Des Moines, IA 50310.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use.
10. **Applicable Regulations:** Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:
 - Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
 - Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end

that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

- Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B. Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and

- Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
 - Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
 - Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
 - Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Vehicle Display Lot Standards:** Section 135-8.2.3 of the Planning and Design Ordinance requires that any portion of a site to be used for outside storage, display, or parking of vehicles or equipment shall contain at least one-half acre of land. The subject site is 0.425 acres in size. The submitted site plan proposes to reserve 6 spaces for vehicle display within the existing 12-stall parking lot.

Staff is supportive of the proposed vehicle sales as a use that is secondary to the auto repair activities that have previously operated at this site. However, staff is concerned about the multiple uses competing for parking within a small site. The proposed site plan depicts 3 spaces for customer parking, 3 spaces for employees, and 6 spaces for vehicle display (in addition to the auto repair facility's 2 service bays). A smaller vehicle display area would reduce the potential for parking conflicts and vehicle overcrowding within the property, allowing the site to meet the intent of Section 135-8.2.3 of the Planning and Design Ordinance. Staff posits that a proposal to allocate 50% of the site's parking spaces toward vehicle display is not appropriate given the site's size (0.425 acres) and physical constraints (cell tower and accompanying easement).

Staff supports this Type 2 Design Alternative request on the condition that a revised site plan is submitted depicting that only the 3 parking spaces closest to Douglas Avenue be utilized for vehicle display.

2. **Overhead Utility and Service Line Standards:** Section 135-9.2.1.E of the Planning and Design Ordinance requires that all electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.

Currently, electrical transmission lines run along the southern edge of the property. Additionally, there are 2 service lines present within this site: One that runs to a parking lot light pole and one that runs to the building. Mid-American Energy calculated a preliminary estimate of \$85,000-\$100,000 to underground all of the utility lines and transformers at this site. Total cost estimates for the proposed site work (landscaping and other aesthetic improvements) are roughly \$5,400. Furthermore, Mid-American Energy has noted that their cost estimate does not take into account financial and logistical burdens that would be borne by surrounding property owners should the transformers sitting at the southern edge of the property go underground.

Staff does not believe it would be reasonably practicable to require the site's utility lines to be undergrounded. There is limited practicality in requiring a project with this minor of a scope (landscaping improvements for a new building tenant) to take on the intense logistical challenges and incongruent financial costs that utility undergrounding would add to the proposed site improvements. Staff supports this Type 2 Design Alternative request.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Jason Van Essen stated the basis of the staff recommendation was the project value of \$5,400 with the utility work estimated at \$85,000-\$100,000.

Chris Draper asked what triggered this review.

Jason Van Essen stated the addition of vehicle sales to the vehicle repair business.

Chris Draper asked if this plan would prevent the issues neighbors are complaining about?

Jason Van Essen stated he would like to have a better understanding of the history as the issues could pertain to the previous owner of the site.

Francis Boggus asked staff if they received letters from the Lower Beaver Neighborhood Association and the owner of 2025 Douglas Avenue?

Sreyoshi Chakraborty stated the only letter received was from the owners of 2025 Douglas Avenue.

Doug Saltsgaver 2413 Grand Avenue with ERG, stated the owner is currently leasing the building with the current operation being small auto repair. The applicant would be fine with 3 stalls for display as this would not be a primary business, he occasionally comes across customers that want to sell their vehicle and this would give him the opportunity to buy them for resale. The vehicles shown in the photographs behind the building do not relate to his business, they are a part of another auto repair operation in close proximity.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher 701 Polk Boulevard stated the bike rack that was put in is not attached to the bike pad and seems to be for kid sized bikes. She hopes the applicant will keep the new

landscaping alive as the current landscaping is dead. Beautifying properties like this would be a great start to the Douglas Avenue Urban Renewal plan and also a good opportunity to place overhead lines underground so this area is more friendly for pedestrians and bicyclist.

Randy Thompson owner of the Plaza Lanes property stated they are one of the largest stakeholders in the area and are currently trying to market this area with CD Ellis and Bill Wright. This area will be awfully tough to market apartments and hotels with used cars being on the lot beside them. The Iowa Bowling Proprietors has a building just to the north of the subject property and have mentioned how hard it is to turn onto Douglas Avenue with all the used cars parked along the east side of this property.

Jeremy Geerdes 4019 Lower Beaver Road, Lower Beaver Neighborhood Association President read submitted letter verbatim.

Johnny Alcivar asked if the auto repair use allowed for incidental car sales.

Bert Drost stated the current zoning code doesn't allow for that. This property has the rights for vehicle repair, car sales is what's considered the change of use.

Jason Van Essen stated the question before the commission is whether or not this site is big enough to allow some vehicle sales.

Chris Draper asked if City Staff felt this would fit into Plan DSM?

Bert Drost stated by limiting it to 3 vehicles, staff feels it would.

Jason Van Essen stated if this property was 0.5 acers, this item wouldn't be on the agenda tonight. The only reason it's before the commission tonight is because this property is 0.425 acers in size.

Chris Draper asked if the amount of parking is sufficient enough to prevent the double parking and blocking we hear people complaining about?

Bert Drost stated the site plan required 5 off-street parking spaces; they are providing 12.

Jason Van Essen stated this would comply with the City's parking standards, but it is possible for people to operate in a manner that the City's site plan standards cannot control, which is why we have an enforcement division.

Will Page asked how many cars would be allowed if the site was 0.5 acers?

Bert Drost stated the parking requirement is derived by the size of the building, not by the size of the parcel.

Doug Saltsgaver stated the applicant has looked into tree replacement but right now is not a good time to plant trees as they would not survive the winter months. The applicant is fine with 3 spaces for vehicle display as he only has 1 or 2 at a time he is trying to sell.

Chris Draper asked if this request is denied, would the applicant continue operating as is today?

Doug Saltsgaver stated he is not able to answer that as the applicant is not present.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Francis Boggus stated he is not in favor of the outdoor storage due to the chance of this property turning into a used car lot and not being consistent with the future Douglas Avenue Corridor Plan.

Chris Draper asked if they were to deny Part A of the staff recommendation, would Part B become mute as they would not be changing use?

Jason Van Essen stated they could still act on the site plan with improvements they would want to execute. There wouldn't be any harm approving the site plan to allow them to make those proposed upgrades, they could also withdraw the application if they wanted.

Chris Draper stated he would recommend a 3-year deferral of undergrounding utilities, rather than waiver.

COMMISSION ACTION:

Francis Boggus made a motion for **approval** of the proposed Public Hearing Site Plan subject to compliance with all administrative review comments and recommends the following as it relates to the requested Design Alternatives:

Part A) **Denial** of a Type 2 Design Alternative to waive the requirement that any portion of a property to be used for outside storage, display, and parking of vehicles for a vehicle display lot is required to contain at least one-half acre of land, provided that only the 3 parking spaces closest to Douglas Avenue be utilized for vehicle display.

Part B) **Approval** of a Type 2 Design Alternative to waive the requirement to place all overhead utility systems underground, as it would not be reasonably practicable at this location.

Motion passed: 9-4

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

NOTE:

THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT IS THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.

OWNER: DENNIS R. AND SHELLEY R. KAY D.B.A. SHILDEN ENTERPRISES 1310 WISCONSIN AVENUE DAVENPORT, IOWA 52804 563/739-7282

DEVELOPER: DERRICK SANDERS 2219 CARPENTER AVE DES MOINES, IA 50319 515-779-5788

ZONING: MX3

USE: VEHICLE SALES AND SERVICE

TYPE: STOREFRONT

BUILDING SETBACKS:

PRIMARY FRONTAGE BUILD TO ZONE = 0'-5" ST = 0 RY = 5

UTILITIES OWNERSHIP:

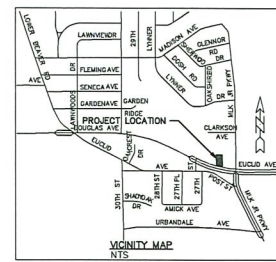
STORM SEWERS CITY OF DES MOINES SANITARY SEWERS DES MOINES WATER WORKS WATER NATURAL GAS IOWA ILLINOIS ENERGY ELECTRIC CENTURY LINK TELEPHONE AMERON NETWORK SERVICES FIBER OPTIC

INDEX OF SHEETS

1 - GEOMETRIC PLAN 2 - LANDSCAPING PLAN

GENERAL NOTES:

- 1. ALL WORK IN CITY RIGHT-OF-WAY SHALL BE DONE IN ACCORDANCE WITH THE CURRENT EDITION OF SDAS AND THE CITY OF DES MOINES GENERAL SUPPLEMENTAL SPECIFICATION TO SDAS.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH URBAN STANDARDS SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
3. ALL CONSTRUCTION PROCEDURES AND MATERIALS TO MEET OR EXCEED MINIMUM REQUIREMENTS OF THE CITY.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT OSHA CODES AND STANDARDS. NOTIFICATIONS ON THESE PLANS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY AND ALL APPROPRIATE SAFETY REGULATIONS.
5. THE CONTRACTOR SHALL FURNISH AND PLACE ALL NECESSARY SIGNS AND BARRIAGES DURING CONSTRUCTION IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR GIVING THE CITY PROPER NOTICE FOR THEIR REQUIRED INSPECTIONS.
7. WORK SHALL INCLUDE CONNECTION TO EXISTING PUBLIC UTILITIES AND ANY AND ALL FITTINGS, CLEANOUTS AND APPURTENANCES REQUIRED BY CODES.
8. THE CONTRACTOR IS RESPONSIBLE FOR CLEARING AND GRUBBING THE SITE AND REMOVAL AND DISPOSAL OF ANY DELETERIOUS AND EXCESS MATERIALS FROM THE SITE.
9. ANY DAMAGE DONE TO THE EXISTING FENCES, YARDS OR OTHER IMPROVEMENTS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL REQUIRED PERMITS FOR PERFORMING THE WORK.
11. THE CONTRACTOR SHALL PLACE SILT FENCE AROUND ALL STORM SEWER INLET LOCATIONS, STEEP SLOPES, OR AS DIRECTED BY THE CITY.
12. ALL DEBRIS SPILLED ON THE CITY STREETS OR ADJACENT PROPERTY SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR. NOTIFY CITY OF PROPOSED BORROW OR FILL SITE LOCATIONS AND HAUL ROUTES.
13. ALL SIGNS TO CONFORM TO CITY ORDINANCES.
14. PROVIDE SILT FENCE AROUND ANY AND ALL STORM SEWER INTAKES UNTIL PAVING IS IN PLACE. TAKE ALL NECESSARY MEASURES TO PROTECT AGAINST EROSION AND DUST POLLUTION ON THIS PROJECT SITE AND ON ALL OFF-SITE BORROW OR FILL AREAS.
15. ALL ROOF MECHANICAL EQUIPMENT SHALL BE SCREENED FROM STREET LEVEL.
16. NO MECHANICAL EQUIPMENT SUCH AS JUNCTION BOXES, TRANSFORMERS, AIR CONDITIONERS, TRASH DISPOSAL SYSTEMS, OR OTHER SUCH ITEMS OVER THREE (3) FEET HIGH ARE ALLOWED IN REQUIRED SETBACKS.
17. ALL EXTERIOR LIGHTING SHALL BE LOW GLARE CUT-OFF TYPE FIXTURES. WALL MOUNTED LIGHTING PACKS MUST BE SHIELDED.
18. NO STORAGE OF MATERIALS OR VEHICLES IS ALLOWED IN THE MINIMUM REQUIRED FRONT YARD SETBACK AREA.
19. ALL PROPOSED UTILITY SERVICES SHALL BE BURIED.
20. ALL ROOF TOP MECHANICAL EQUIPMENT MUST BE SCREENED ON ALL SIDES WITH ARCHITECTURAL SCREENING EQUAL TO THE HEIGHT OF THE EQUIPMENT.
21. MECHANICAL EQUIPMENT SHALL NOT BE LOCATED IN THE FRONT YARD OR STREET SIDE YARD, AND SHALL BE SCREENED FROM VIEW FROM ANY PUBLIC WAY WITH LANDSCAPING, FENCING, OR WALLS CONSISTENT WITH THE BUILDING DESIGN, COLORS, AND MATERIALS.
22. ANY AMENDMENTS OR CHANGES TO THE PROJECT SITE THAT DO NOT MEET WHAT IS SHOWN ON THE SITE PLAN NEED TO BE APPROVED WITH THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INSTALLATION/CONSTRUCTION SLAB.
P.C.C. PAVING:
1. ALL SUBGRADE UNDER SLAB TO BE COMPACTED TO 95% STANDARD PROCTOR DENSITY FOR A MINIMUM OF 24".
2. MOISTEN SUBGRADE PRIOR TO PLACING CONCRETE.
3. CONCRETE SHALL HAVE MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4000 PSI.
4. AGGREGATE SHALL BE CLASS 3.
5. CONCRETE SURFACES SHALL BE BURLAP FINISH. CHECK SURFACE WITH TEMPLATE NO DEVIATION OVER 1/8" IN 10' IS PERMITTED. ALL CONCRETE SHALL SLOPE TO DRAIN.
6. ALL CONCRETE SHALL BE CURED WITH AN ASTM C309 TYPE 2 WATER BASED WHITE PROMOTED CURING COMPOUND PER DOT SEC. 4105.
7. SAW CUT JOINTS AS SOON AS CONCRETE HAS SET ENOUGH TO PREVENT RAVELING AND PRIOR TO ANY CRACKING.
8. SAW CUTS TO BE 1/8" TO 1/4" WIDE; DEPTH: LONGITUDINAL 1/3, TRANSVERSE 1/4.
9. LONGITUDINAL JOINT SPACING SHALL NOT BE GREATER THAN 12'. TRANSVERSE SPACING SHALL NOT BE GREATER THAN 15'. JOINT LAYOUT SHALL BE APPROVED BY THE ENGINEER.
10. BARS AT LONGITUDINAL JOINTS TO BE 1/2" X 30" DEFORMED AT 30" O.C.
11. ALL JOINTS SHALL BE FILLED.
12. THE CONTRACTOR TO BARRICADE SLAB FOR 14 DAYS AFTER PLACING.
13. PAVING THICKNESS SHALL BE AS FOLLOWS: 6"
14. SUBMIT DESIGN MIX AS DESIGNED BY INDEPENDENT TESTING LABORATORY PRIOR TO PLACING ANY CONCRETE.
15. ALL WORK TO COMPLY WITH CURRENT AD STANDARDS.
16. THE CONTRACTOR SHALL PAINT PARKING STALLS AND PROVIDE AND INSTALL A.C. PARKING SIGNS.
17. ALL DEBRIS SPILLED ON THE CITY STREETS OR ADJACENT PROPERTY SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR. NOTIFY CITY OF PROPOSED BORROW OR FILL SITE LOCATIONS AND HAUL ROUTES.



CITY DES MOINES BENCHMARK: CITY OF DES MOINES BRASS CAP IN NORTHWEST CORNER OF TRAFFIC SIGNAL BASE IN FRONT OF 2726 DOUGLAS AVENUE. ELEVATION = 78.855' (CITY OF DES MOINES - #2330)
CITY OF DES MOINES BRASS CAP IN SOUTHWEST CORNER OF TRAFFIC SIGNAL BASE IN NORTHEAST QUADRANT OF EUCLID AVENUE AND MARTIN LUTHER KING JR. PARKWAY. ELEVATION = 34.908' (CITY OF DES MOINES - #3446)
CITY OF DES MOINES BRASS CAP IN NORTHWEST CORNER OF TRAFFIC SIGNAL BASE IN SOUTHWEST QUADRANT OF EUCLID AVENUE AND MARTIN LUTHER KING JR. PARKWAY. ELEVATION = 36.050' (CITY OF DES MOINES - #3447)
FOR SHOW: ADD 773.839 FOR FEMA (NOV07/29) ADD 773.936 FOR NAVD83 ADD 880.773 FOR DES MOINES WATER WORKS

LEGAL DESCRIPTION: A parcel of land in Lot 3, Euclid Terrace, an Official Plat in Polk County, Iowa, described as follows: Beginning at the S.E. corner of said Lot 3, Euclid Terrace; thence N 09°00' W, 200.00 feet on the east line of said Lot 3; thence N 87°43' West 100.00 feet; thence S 00°00' E 175.20 feet to the South line of said Lot 3; thence Southeasterly 104.00 feet on a 2245.5 foot radius curve, concave Northerly, chord bearing S73°56' E, 104.00 feet to the point of beginning. Subject to easement described as follows: The West 25.0 foot of Lot 4, the West 25.0 foot of Lot 5 and the East 25.0 foot of Lot 3, all in Euclid Terrace, an Official Plat in Polk County, Iowa, except that part condemned by Iowa Department of Transportation recorded in Book 7371 Page 146. Containing 18,723 square feet = 0.43 acres more or less.

NOTE: ANY CHANGES TO THE APPROVED SITE PLAN MUST BE APPROVED BY THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INSTALLATION/AMENDMENT.
NOTE: THIS SITE SHALL BE MAINTAINED IN COMPLIANCE WITH ALL COUNTY CODE APPLICABLE ON THE DATE OF SITE PLAN APPROVAL.

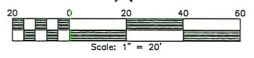
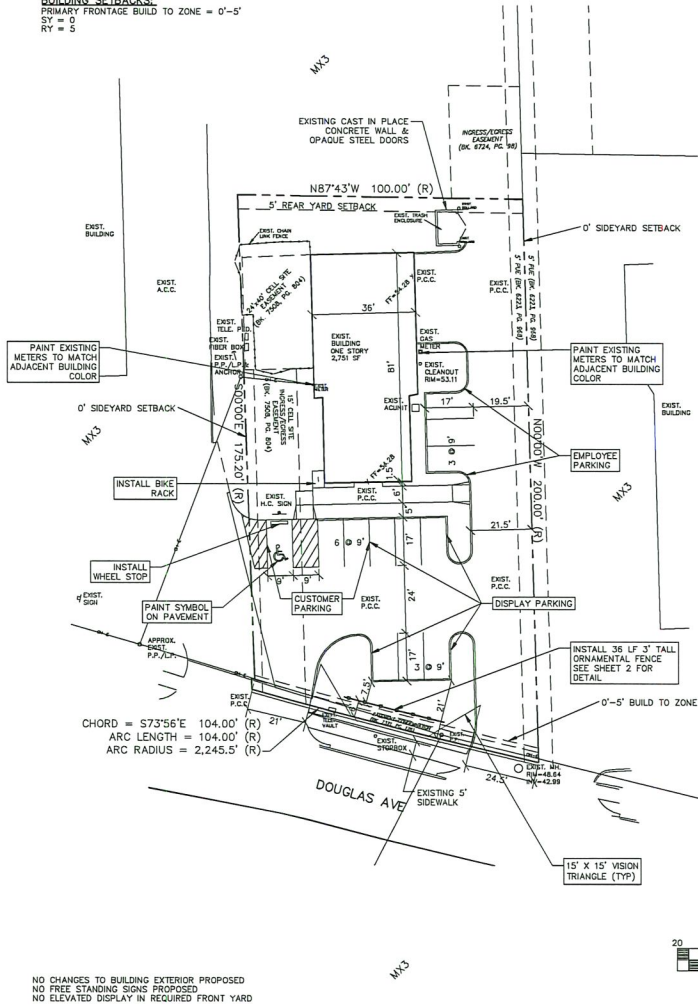
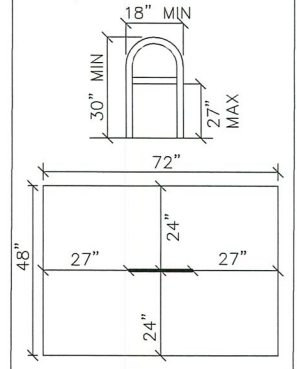
SITE PLAN APPROVAL:
[] APPROVED [] APPROVED WITH CONDITIONS - SEE EXHIBIT "A"
IN ACCORDANCE WITH SECTION 135-9, 2019 DES MOINES MUNICIPAL CODE, AS AMENDED.
NO CHANGES TO THIS PLAN UNLESS APPROVED IN WRITING FROM THE DEVELOPMENT SERVICES DIRECTOR.
DEVELOPMENT SERVICES DIRECTOR: DATE:

PARKING: VEHICLE SALES & SERVICE = 1 SPACE PER 600 SQ. FT. OF GROSS FLOOR AREA. 2,751 SQ. FT. / 600 = 5 STALLS REQUIRED PROVIDED = 12 STALLS
BICYCLES: 1 RACK REQUIRED 1 RACK PROVIDED
EXISTING IMPROVEMENTS: BUILDING = 2,751 SQ. FT. AGGREGATE (CELL TOWER) = 1,021 SQ. FT. PAVEMENT (PARKING) = 9,446 SQ. FT. SIDEWALK = 443 SQ. FT. TOTAL = 13,661 SQ. FT.

PROPOSED IMPROVEMENTS: BUILDING = 2,751 SQ. FT. AGGREGATE (CELL TOWER) = 1,021 SQ. FT. PAVEMENT (PARKING) = 9,263 SQ. FT. SIDEWALK = 443 SQ. FT. TOTAL = 13,661 SQ. FT.

FEMA FIRM PANEL: NUMBER = 19153C0185F FEBRUARY 01, 2019

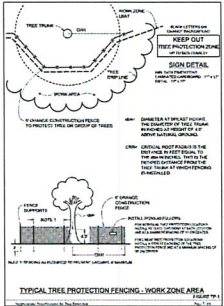
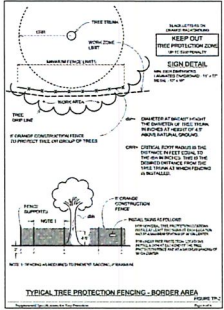
BIKE RACK: 2x6" bike parking envelopes. Bike parking should not impede upon the required pedestrian clear space. 2" clear space is required between planters and the bike parking envelope. 1" clear space is required between faces of curbs and the bike parking envelope. Adhere to the American with Disabilities Act (ADA) standards for protrusions in the right-of-way including the ability to detect the rack with a white cane. To be detected by a white cane the protruding or leading edge of the rack shall be 27" or less above the sidewalk surface. Between 27" and 60" above the sidewalk surface, protruding or leading may average a maximum of 12". This applies to relatively tall racks with horizontal protrusions. Unless maintained pursuant to a 55MID agreement, an araway permit will be required for any bike racks located in the ROW. Once a site plan is approved, the property owner will need to contact Tom Agran in the Traffic & Transportation office (T.Agran@desmoines.gov) to complete the permit and pay the one-time \$25 permit fee.



ENGINEERING CERTIFICATION: I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.
DOUGLAS J. SALSAVER, P.E. CIVIL DATE: 10/27/2021
8115 GRAND AVENUE, SUITE 200 DES MOINES, IOWA 50319 (515) 288-4833

2551 DOUGLAS AVENUE - GEOMETRIC PLAN
ERF Engineering Resource Group, Inc. 2551 GRAND AVENUE, SUITE 200 DES MOINES, IOWA 50319 (515) 288-4833
DATE: 10/27/2021 BY: FOR: REVISION: NO.
SHEET 2 OF 2
DESIGNED BY: DOS DRAWN BY: BSA
CHECKED BY: JLS FIELD BOOK: 21-105

NOTE:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.



LANDSCAPE REQUIREMENTS (MX3)

TRASH ENCLOSURE PLANTS:
 PROVIDED 1 SHADE TREE & 5 SHRUBS

FENCE FRONTAGE BUFFER
 1 SHADE TREE/4LF
 5B LF/40LF = 2 SHADE TREES REQUIRED

PROVIDED 3 SHADE TREES
 CONTINUOUS ROW OF SHRUB PLANTINGS

INTERIOR PARKING:
 1 SHADE TREE/ ISLAND

4 SHADE TREES REQUIRED

PROVIDED 5 SHADE TREES

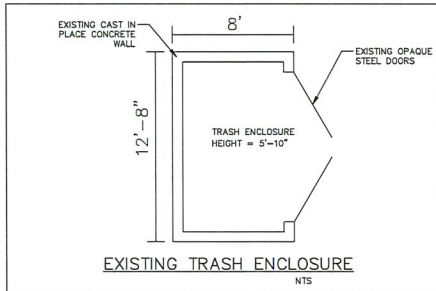
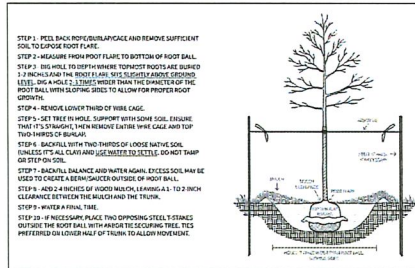
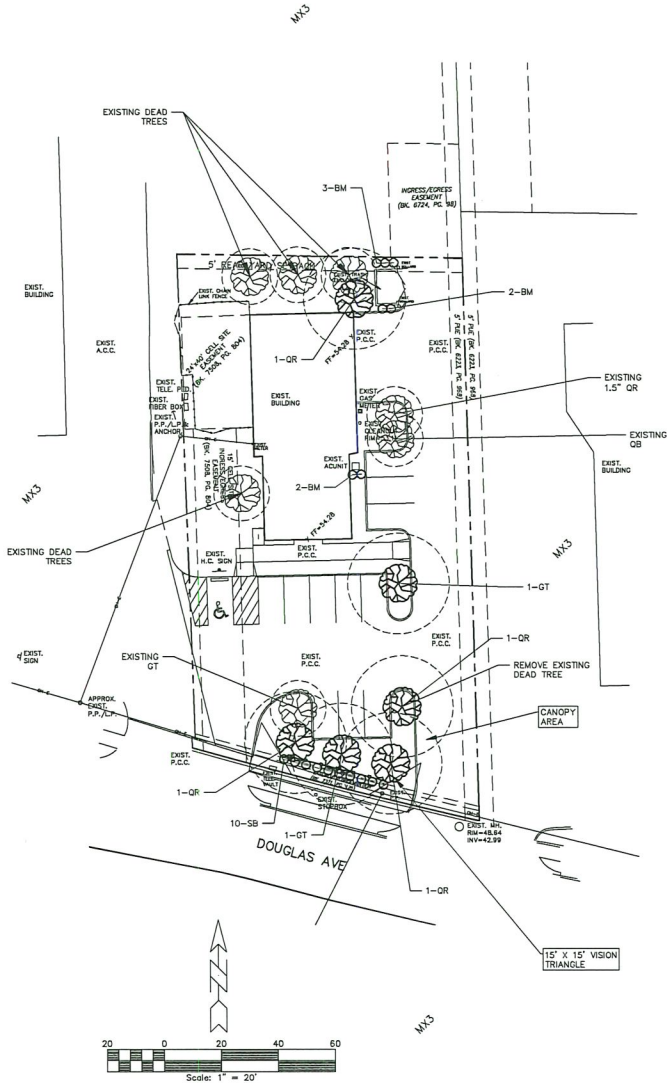
SITE TREES
 SITE AREA = 18,723 SF
 15% CANOPY = 2,808 SF

6 SHADE TREES X 6,000 SF = 6,000 SF
 3 EXISTING SHADE TREES X 300 = 900 SF
 TOTAL CANOPY = 6,900 SF

PLANTS REQUIRED
 = 3 SHADE TREES
 = 2 UNDERSTORY TREES

EXISTING LIVE PLANTS
 = 3 SHADE TREES

NEW PLANTS PROVIDED
 = 6 SHADE TREES
 = 17 SHRUBS



CONTACT THE MUNICIPAL FORESTRY DIVISION PRIOR TO PLANTING IN THE PUBLIC R.O.W. AT 283-4950
 ALL WIRE, TWINE AND BURLAP SHALL BE REMOVED FROM THE ROOTBALL OF STREET TREES PRIOR TO PLANTING.

NO STAKING OF TREES IS ALLOWED IN R/W.

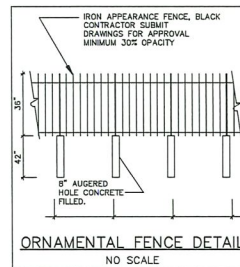
PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF ALL REQUIRED LANDSCAPE MATERIALS AND ANY DEAD OR SUBSTANTIALLY DAMAGED LANDSCAPE MATERIALS SHALL BE REPLACED

THE REQUIRED LANDSCAPING, BOTH EXISTING AND PROPOSED, SHALL BE MAINTAINED FOR THE LIFE OF THE CERTIFICATE OF OCCUPANCY.

ALL DISTURBED AREAS SHOULD BE RESTORED BY SEEDING OR SODDING.

PROPOSED PLANT SCHEDULE:

Code	Common Name	Botanical Name	Quantity	Min. Planting Size
QR	Northern Red Oak	Quercus rubra	4	1.5" cal. 14/18
GT	Thornless Honeylocust	Gleditsia triacanthos inermis	2	1.5" cal. 14/18
DM	Wantedgreen Deciduous	Dirca macrophylla	7	1.5" cal.
SB	Ox-eye Daisy	Spirea x Thunbergii	10	3 gallon



I HEREBY CERTIFY THAT THE PLANTING PORTION OF THIS TECHNICAL SUBMISSION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A CERTIFIED LANDSCAPE PROFESSIONAL UNDER THE LAWS OF THE STATE OF IOWA.
 SHEETS COVERED: THIS SHEET ONLY
 DRAWN: DATE: 09/13/2021
 SIGNED: [Signature]
 DONALD L. PUGH/OWNER

2551 DOUGLAS AVENUE - LANDSCAPING PLAN

SCALE: AS NOTED
 DIMS: 21-105-LUD-4-9
 FIELD BOOK: SHEET 2 OF 2

DESIGNED BY: DLS
 CHECKED BY: DLS
 DRAWN BY: BSH
 DATE: 09/13/2021
 FILE NO.: 21-105

NO. 1
 REVISION

FRC
 Engineering Resources Group, Inc.
 Engineers and Surveyors
 DES MOINES, IOWA 50312
 (515) 288-4883

21-105

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Lower Beaver Neighborhood Association
4025 Lower Beaver Rd.
Des Moines, IA 50310

Des Moines Plan & Zoning Commission
1551 E. Martin Luther King, Jr. Parkway
Des Moines, Iowa 50319

Re: Opposition to proposed used car sales at 2551 Douglas Ave.

Dear commission members,

Greetings. The Lower Beaver Neighborhood Association would like to express its opposition to the proposed variances which would allow used car sales at 2551 Douglas Ave.

For more than twenty years, the Lower Beaver Neighborhood Association has endeavored to advocate for the residents and businesses along Douglas Avenue between the Des Moines River and Beaver Ave. Starting in 2011, our neighborhood participated in the city's Neighborhood Revitalization Program and developed a comprehensive plan to, among other things, support "vibrant, viable businesses, new and old." Stemming from this commitment, the LBNA was a founding member of the Douglas Avenue Coalition which has advocated for the revitalization of the Douglas Avenue commercial corridor.

The Douglas/Euclid corridor near Martin Luther King, Jr., Parkway has encountered numerous challenges over the years. Older, awkwardly sized, and poorly maintained buildings created significant turnover among businesses in the area. The challenges were compounded in December 2017 when fire destroyed Plaza Lanes, the principal anchor of this commercial node. Since then, the challenges have only increased, and between ROI metrics and property valuations, it has proven difficult to attract parties interested in purchasing and redeveloping the vacant Plaza Lanes and other nearby properties.

In recent months, the LBNA has been greatly encouraged as a number of public and private entities have come together to kickstart the redevelopment of this area. In fact, the agenda for the 4 November 2021 meeting of the Plan and Zoning Commission opens with a discussion of the Douglas Avenue Urban Renewal Plan, which focuses on this very portion of the Douglas/Euclid corridor.

The proposed variance to allow Sheldon Holdings, LLC, to expand their business to include used car sales at 2551 Douglas Avenue is directly contrary to the objectives of our





neighborhood, the city planning office, the Urban Renewal Plan, and more. Real estate professionals have long held that used car lots typically lower the value of nearby properties and make an area less attractive to developers.

Additionally, the PlanDSM Future Land Use map designates the area in question for Community Mixed Use (CMU). Under the plan, a CMU unit will "include both a mix of residential densities 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." Simply put, we do not believe that a used car lot is consistent with these objectives. We are particularly concerned about the possible impact of a used car lot on our efforts to redevelop the former Plaza Lanes site into a mixed-use development, which will almost certainly include a residential component.

Finally, we would observe that there are already no less than three used car lots within sight of the subject property. We see no need for yet another used car lot in this portion of the Douglas/Euclid corridor.

Given these circumstances, the LBNA strongly opposes the requested waivers and urges the commission members to deny their approval.

Sincerely,

Jeremy R. Geerdes, President

On behalf of the
Lower Beaver Neighborhood Association
<https://lowerbeaver.org>

A neighborhood people want to call home.

December 3, 2021

Honorable Mayor and Council Members
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: 2551 Douglas Avenue

Honorable Mayor and Council Members:

My client, Mr. Derrick Sanders, asks you to approve the request to allow a vehicle sales use on a lot of under half an acre in the MX3 zoning district.

Mr. Sanders is leasing the property from Sheldon Enterprises and is currently using the existing 2,751 sf building as an automobile repair business performing minor mechanical repairs, not major overhauls, or body work. He holds an Iowa DOT license to sell vehicles and wants to continue to sell vehicles as an ancillary business to the auto repair shop.

The new zoning ordinance requires the property to be at least half an acre to allow vehicle sales. This site is only 0.43 acres. The Plan and Zoning Commission denied approval of the site for vehicle sales on November 04, 2021.

The Zoning ordinance does allow the use of vehicle maintenance and repair regardless of the size of the property; thus, such a business can operate on the property without the need for Plan and Zoning Commission or City Council approval.

Please note there are only twelve parking stalls on this site thus, this will not be a large scale sales operation. If this property extended 31 feet further north, we would not be here asking for your approval as the site would be in compliance with the minimum half-acre requirement.

We ask that you allow this small business owner to be allowed to operate his small vehicle sales business on this property.

Respectfully,

ENGINEERING RESOURCE GROUP, INC.

Doug Saltsgaver, P.E.
President

DJS/kee