

**Date** April 4, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM HOLT SALES AND SERVICES, LLC  
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND  
TO REZONE PROPERTY LOCATED AT 2500 DEAN AVENUE**

**WHEREAS**, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2500 Dean Avenue (“Property”) from Low Density Residential to Community Mixed Use to allow rezoning to RX2 Mixed Use District and construction of a non-accessory surface parking lot, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment; and

**WHEREAS**, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a recommendation from the City Plan and Zoning Commission further advising that at a public hearing held on March 3, 2022, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Holt Sales and Services, LLC (owner), represented by Josh Holt (officer), to rezone the Property from N3c-4 Neighborhood District to Limited RX2 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. Use of the Property shall be limited to either Household Living use or a Non-Accessory Surface Parking Lot use in accordance with a Conditional Use approval by the Zoning Board of Adjustment.
2. Any Non-Accessory Surface Parking Lot use constructed on the Property shall be for customer and employee parking only. Any use of the Property for commercial vehicle parking, loading or unloading, or storage of materials shall be prohibited.
3. Any Non-Accessory Surface Parking Lot use shall provide a heavy side and rear landscape buffer, in accordance with Des Moines Municipal Code Chapter 135, Article 7, along its north and east perimeters.
4. Any development on the Property shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135; and

**WHEREAS**, on March 21, 2022, by Roll Call No. 22-0419, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on April 4, 2022 at 5:00 P.M., in the Council Chambers; and

**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 amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 2500 Dean Avenue and legally described as follows:

THE SOUTH 100 FEET OF LOTS 97 AND 99 IN BLOCK 12 IN GRANT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



Date April 4, 2022

AND

LOTS 97 AND 99, BLOCK 12, GRANT PARK, EXCEPT THE SOUTH 100 FEET OF EACH LOT, AND LOTS 101, 103, 105 AND THE WEST ONE-HALF (W 1/2) LOT 107, BLOCK 12, GRANT PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

from N3c-4 Neighborhood District to Limited RX2 Mixed Use District to allow construction of a non-accessory surface parking lot, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment and subject to the above-stated conditions which have been agreed upon and accepted in writing by the property owner.

**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 land use amendment and the proposed rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Low Density Residential to Community Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited RX2 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

SECONDED BY \_\_\_\_\_.

FORM APPROVED:

/s/Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

(ZONG-2022-000006; ZONG-2022-000011)

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

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Date April 14, 2022

Agenda Item 35

Roll Call # \_\_\_\_\_

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a request from Holt Sales and Services LLC (owner), represented by Josh Holt (officer) to rezone property located at 2500 Dean Avenue from “N3c-4” Neighborhood District to “RX2” Mixed Use District, to allow a non-accessory surface parking lot.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-1-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Leah Rudolphi	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			
Andrew Lorentzen	X			
Emily Webb	X			

**APPROVAL** of Part A) The requested rezoning be found **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

Part C) Approval of the proposed rezoning f from “N3c-4” Neighborhood District to “RX2” Mixed Use subject to the following conditions:

1. Use of the property shall be limited to either Household Living use or a Non-Accessory Parking Lot use in accordance with a Conditional Use as considered by the Zoning Board of Adjustment.
2. Any Non-Accessory Parking Lot use constructed shall be for customer and employee parking only. Any use of the parking lot for commercial vehicle parking, loading or unloading, or storage of materials shall be expressly prohibited.
3. Any Non-Accessory Parking Lot use shall provide a heavy side and rear landscape buffer (in accordance with City Code Chapter 135-7) along its north and east perimeters.
4. Any site development shall be in accordance with a Site Plan approved in accordance with all applicable standards contained in City Code Chapter 135.  
(ZONG-2022-000006)

#### Written Responses

1 in Favor

1 in opposition

#### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

Part C) Staff recommends approval of the proposed rezoning f from "N3c-4" Neighborhood District to "RX2" Mixed Use subject to the following conditions:

1. Use of the property shall be limited to either Household Living use or a Non-Accessory Parking Lot use in accordance with a Conditional Use as considered by the Zoning Board of Adjustment.
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4. Any site development shall be in accordance with a Site Plan approved in accordance with all applicable standards contained in City Code Chapter 135.



## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property in order to construct an accessory surface parking lot that would serve the business on across Dean Avenue to the south. The subject property is currently zoned “N3c-4” District, which allows residential uses. The requested “RX2” District would allow for a non-accessory surface parking lot, subject to obtaining a Conditional Use from the Board of Adjustment.

The parcels adjoining to the north, east, and adjacent to the west of the subject property include residential uses, while the parcel across Dean Avenue to the south includes an industrial use.

2. **Size of Site:** The site is approximately 20,213 square feet (0.464 acres) in area.
3. **Existing Zoning (site):** “N3c-4” Neighborhood District.
4. **Existing Land Use (site):** The site consists of a one-story one household dwelling and a two-story multiple household dwelling.
5. **Adjacent Land Use and Zoning:**

**North** – “N3c”; Uses are one-household residential.

**South** – “I1”; Uses are industrial warehouse.

**East** – “N3c-4”; Uses are one-household residential.

**West** – “N3c-4”; Uses are one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the north side of Dean Avenue at the northeast corner of the intersection with East 25<sup>th</sup> Street. The adjoining area consists of a mix of industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood but is within 250 feet of the Fairground Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 21, 2022 and by mailing of the Final Agenda on February 21, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2022 (20 days prior to the public hearing) and February 21, 2022 (10 days prior to the public hearing) 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 Fairground Neighborhood mailings were sent to Tina Payton, 2336 Logan Avenue, Des Moines, IA 50317. The applicant is responsible for conducting a neighborhood outreach meeting, inviting the Fairgrounds Neighborhood Association and surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** None.

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 property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated “Low Density Residential”. Plan DSM describes this designation as follows:

### Low Density Residential

*Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.*

The applicant is proposing to rezone the property from “N3c-4” District to “RX2” District. The Zoning Ordinance states that “N3c-4” is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in Section 135-2.15 of the Municipal Code. For N district locations labeled with a “-4” extension, the maximum number of household units permitted per lot is four pursuant to section 134-3.1.2 of the Municipal Code.

The applicant has proposed “RX2” Mixed-Use District in order to allow the property to be developed for a surface parking lot. The proposed “RX2” District zoning requires the “Community Mixed Use” designation on the Future Land Use Map for the proposed rezoning to be found in conformance with PlanDSM.

Plan DSM describes the Community Mixed Use designation as follows:

### Community Mixed Use

*Small- to medium-scale mixed use development, located on high-capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.*

The Zoning Ordinance states that the “RX2” is intended for transitional areas between “MX” districts and “N” districts, providing for residential and office buildings at a scale and intensity higher than “RX1”. Building types allowed within this district include commercial cottage, general building, civic building, principal-use parking structure, flat



building and row building typologies. The “RX2” district allows for surface parking subject to obtaining a Conditional Use from the Board of Adjustment.

2. **Planning and Design Ordinance:** Any future construction or redevelopment of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Additionally, the site must comply with the heavy side and rear buffer in accordance with City Code.
3. **Staff Rationale:** Given the location of the property along Dean Avenue across from an industrial use, Staff believes that the subject property is appropriate for the “RX2” Mixed Use District. This would allow use the property for a Non-Accessory Parking use. Staff recommends approval of the requested “RX2” Mixed Use District subject to the conditions any Non-Accessory Parking Lot use constructed shall be for customer and employee parking only. Any use of the parking lot for commercial vehicle parking, loading or unloading, or storage of materials shall be expressly prohibited. Given that this area acts as a transition to the residential neighborhood full compliance with the landscaping and setbacks would be required.

## SUMMARY OF DISCUSSION

Frank Dunn-Young presented the staff report and recommendation.

Todd Garner asked if there will be sidewalks added on Dean and 25<sup>th</sup>. He assumes employees will be crossing Dean Avenue to get to work.

Frank Dunn-Young stated yes, they will cross Dean Avenue as this parking lot will serve the building across the street. Unless the applicant requested a wavier for sidewalks, they would be required to provide them.

Todd Garner asked for the total number of parking spaces.

Frank Dunn-Young stated 34.

Todd Garner stated he would be concerned they’re creating a hazardous condition by making 34 people cross Dean Avenue.

Jason Van Essen stated we don’t have any information that has led us to believe that this will be an issue.

Chris Draper asked if the commission is making an exception for this piece of land to be used for 34 parking spaces due to the lack of on-street parking in the neighborhood.

Jason Van Essen stated staff is recommending that the zoning be limited so that it only allows residential uses or a parking lot use. Staff is not supportive of any further commercial development.

Johnny Alcivar asked if on-street parking is allowed along Dean Avenue.

Chris Draper stated based on Google street view, there is parking on the north side.

Josh Howl, representing Holt Sales and Service, 2515 Dean Avenue stated they are experiencing parking difficulties in their existing parking lot. When extensive renovations to the building were done, they had to remove several parking stalls and as they've been growing over the last several years, restrictions have been experienced. Their goal for adding parking across the street is to avoid parking on the street. It is safer for employees. They intend to pave the lot, bringing the existing sidewalks on both East 25<sup>th</sup> and Dean Avenue up to code and lighting will meet all code requirements as well.

Emily Webb asked what hours employees work.

Josh Howl stated they have three shifts. However, the only time parking is a problem is during first shift, when the office is there. In the evenings, they have plenty of spare parking, roughly 7am to 4pm is when the overflow is going to be necessary.

Chris Draper asked if first shift is normal business hours, 8am-4pm.

Josh Howl stated correct, they currently have people parking an eighth of a mile to a quarter mile away.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Seth Sunderman, Bishop Engineering, 3501 104<sup>th</sup> Street stated they will incorporate all city staff recommendations to the site plan moving forward. Also, they will provide a heavy buffer that will provide adequate screening for neighboring properties.

Carol Maher, 701 Polk Blvd stated she was hoping the applicant would consider putting bike racks in, not only at their business, but in this lot as well to encourage people to ride their bike. There are no parking signs on the south side of the street but not certain about the north side.

Josh Howl stated they do allow their employees to park their bikes inside but they will be providing adequate bike racks as required by city code.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

#### **COMMISSION ACTION:**

Francis Boggus made a motion for:

Part A) The requested rezoning be found **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Community Mixed Use.

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Motion passed: 11-1-1

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh







2508 Dean Ave  
Des Moines, Iowa  
Google  
Street View - May 2021

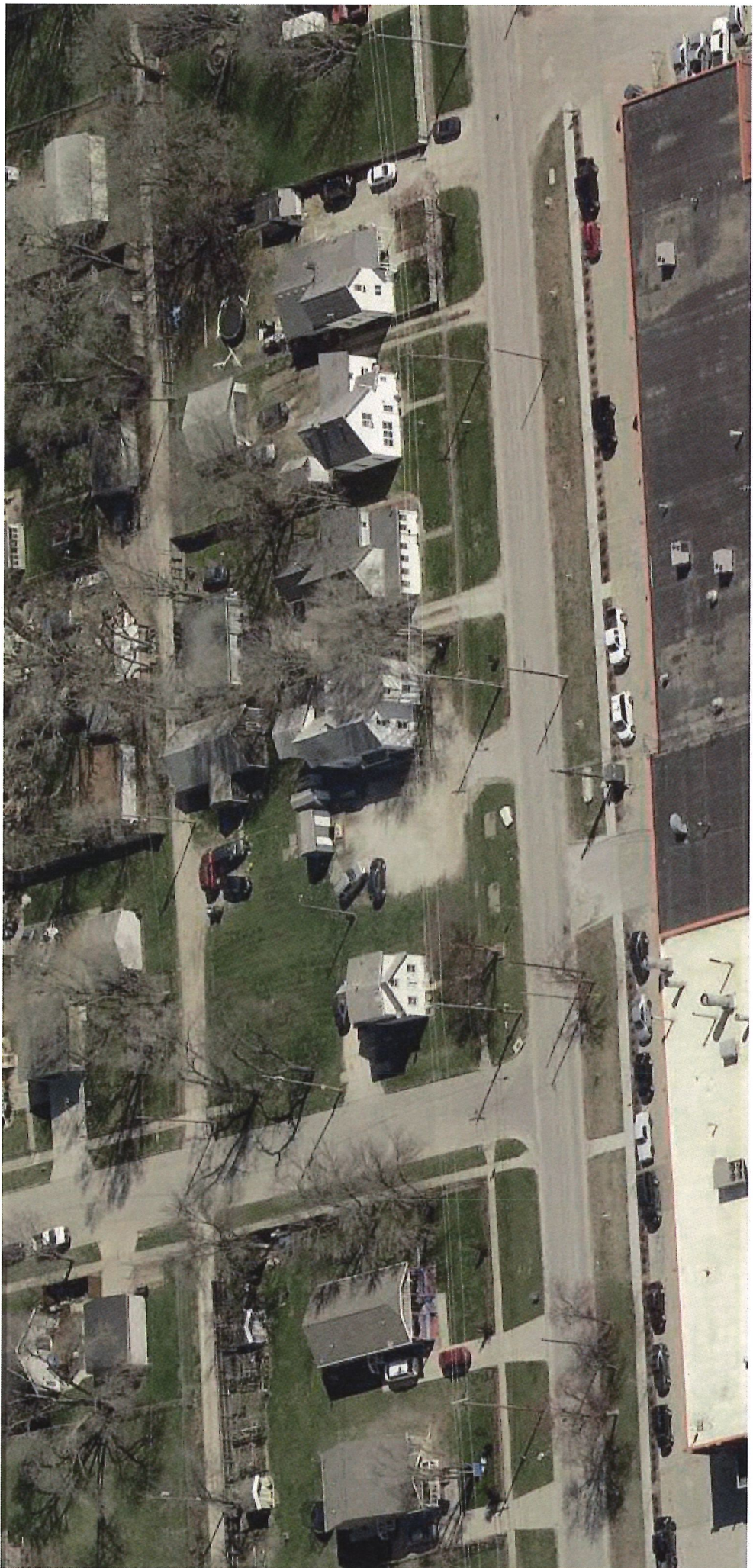


ard Industries  Dean Ave



Google









Google





July 2018

Dean Ave

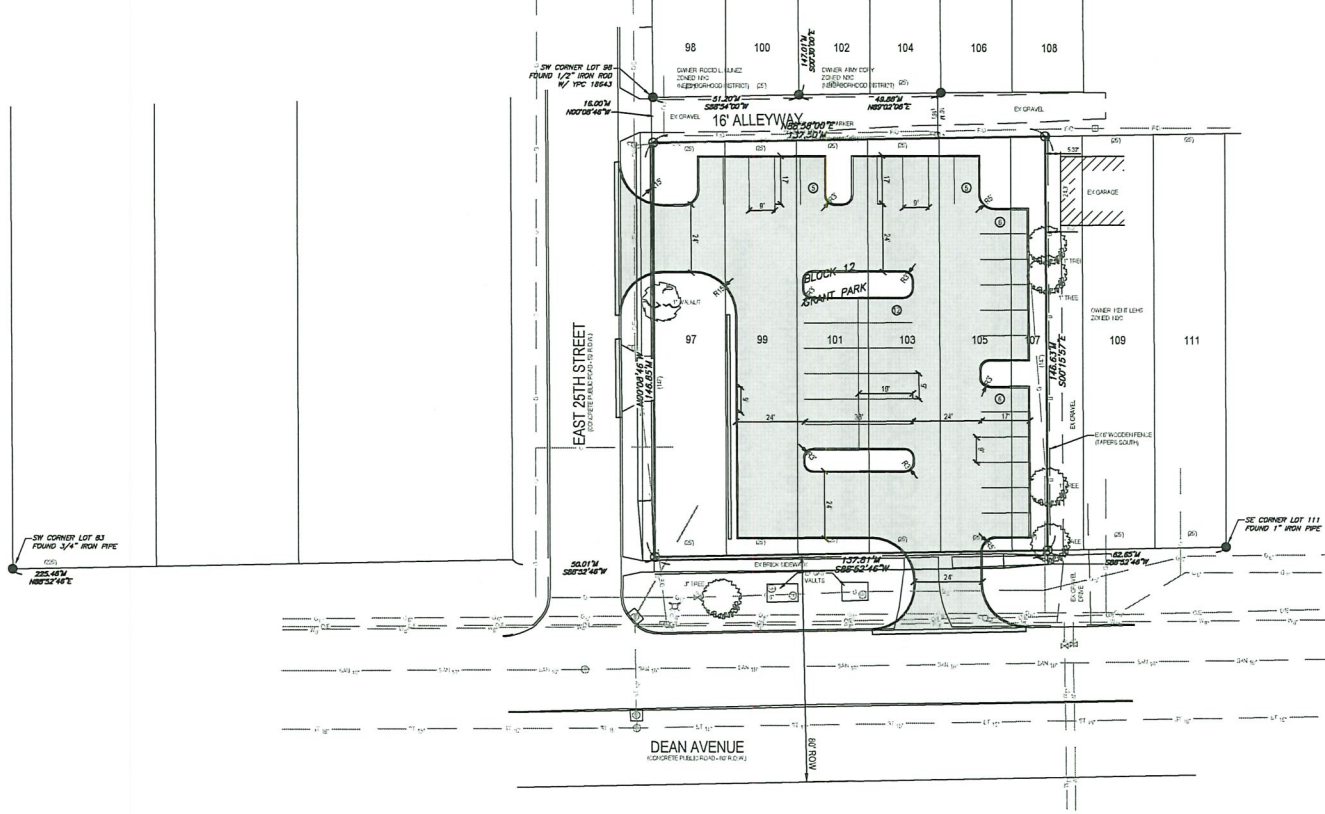
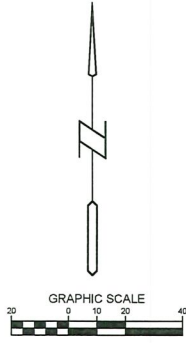
Google

Image capture: Jul 2018 © 2022 Google United States Ter



PRELIMINARY- NOT FOR CONSTRUCTION

20250124.14.14M L&L AND PROJECT 20111012 - 20032010 DEAN AVENUE PARKING LOT - SEBAY PRESERVATION/REDEVELOPING



2500-2508 DEAN AVENUE PARKING LOT  
DES MOINES, IA

REFERENCE NUMBER:

DESIGN BY:

ME

CHECKED BY:

REVISION DATE:

PROJECT NUMBER:  
210422

SHEET NUMBER:  
C2.1



3501 104th Street  
Des Moines, Iowa 50322-3825  
Phone: (515)251-0467 Fax: (515)251-0217

Civil Engineering & Land Surveying Established 1959

LAYOUT PLAN

Item: ZONG-2022-000006

Date: 02-23-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Walter Ladd

Name: Walter Ladd

Address: 2516 Logan Avenue

Staff Use Only  
  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
**FEB 28 2022**

Reason for opposing or approving this request may be listed below:

I attended the Zoom meeting 02-23-22 moderated  
by Josh Holt and he indicated the lot would  
have a retention basin, be landscaped, and will  
be monitored. So he addressed my concerns.

Item: ZONG-2022-000006

Date: 2/23/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Signature]

Name: William G. Barker

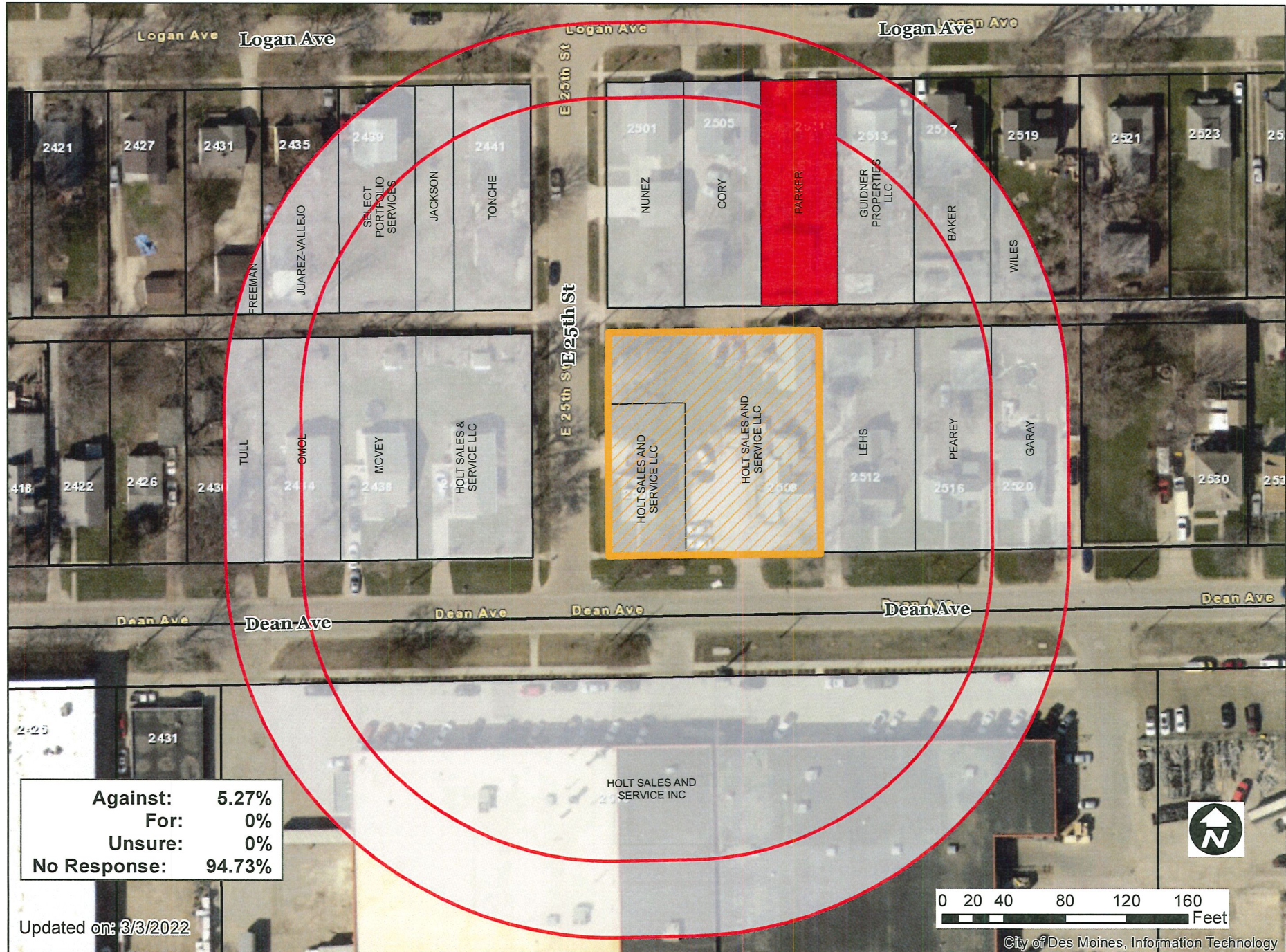
Address: 2511 Logan

Staff Use Only  
  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
**FEB 28 2022**

Reason for opposing or approving this request may be listed below:

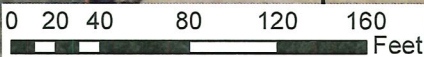
I would be in favor if lot was fenced  
in and lighted.





Against:	5.27%
For:	0%
Unsure:	0%
No Response:	94.73%

Updated on: 3/3/2022







1 inch = 83 feet