



Date October 3, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM KEEGAN JARVIS (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 3123 INDIANOLA AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 11-0 in support of a motion finding the requested rezoning for Property located at 3123 Indianola Avenue is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Keegan Jarvis (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 3123 Indianola Avenue from Low Density Residential to Industrial and to rezone the Property from “N3a” Neighborhood District to “I2” Industrial District to allow the use of the property for outdoor storage and auto recycling/junk and/or a salvage yard business; and

WHEREAS, the Property is legally described as follows:

South ¼ of Lot 50 in OAK HILL, An Official Plat, now Included in and forming a part of the City of Des Moines, Polk County, Iowa

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on October 24, 2022, in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT. SECOND BY _____.



Roll Call Number

.....

Agenda Item Number

23

Date October 3, 2022

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000059 and ZONG-2022-000065)

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk

September 27, 2022

Communication from the City Plan and Zoning Commission advising that at their September 15, 2022 meeting, the following action was taken regarding a request from Keegan Jarvis (owner) to rezone property located at 3123 Indianola Avenue from “N3a” Neighborhood District to “I2” Industrial District to allow the use of the property for outdoor storage and auto recycling/ junk and salvage yard business.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath				X
Kayla Berkson				X
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

ARPROVAL of Part A) The proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Denial of the request to amend the PlanDSM future land use designation from Low Density Residential to Industrial Use.

Part C) Denial of the rezoning of the property from “N3a” Neighborhood District to “I2” Industrial District.

Written Responses

3 in Favor

2 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Staff recommends denial of the request to amend the PlanDSM future land use designation from Low Density Residential to Industrial Use.

Part C) Staff recommends denial of the rezoning of the property from "N3a" Neighborhood District to "I2" Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to use the property for outdoor storage and an auto recycling/ junk and salvage yard business. The proposed use is only permitted in the to "I2" Industrial District.
2. **Size of Site:** 0.48 Acres (21,068.6 square feet).
3. **Existing Zoning (site):** "N3a" Neighborhood District.
4. **Existing Land Use (site):** The subject property includes a single-family residential dwelling unit. The property is currently being used for a variety of uses which have been found to be in violation(s) of the City Municipal Code including outdoor storage of inoperable, unsafe, and/or unlicensed vehicle(s), vehicular component parts, and/or miscellaneous junk and debris. The outdoor storage and other uses within the subject property have also encroached into the property to the immediate south. The uses in the general vicinity of the site are predominantly higher intensity commercial along the Indianola Avenue corridor with some pockets of residential uses.
5. **Adjacent Land Use and Zoning:**
 - North** – "N3a"; Uses are a single-household residential unit.
 - South** – "MX2" and "MX2-V"; Uses are a warehouse and retail building.
 - East** – "MX2-V"; Use is a retail building.
 - West** – "N3a" and "MX3"; Uses are a single-household unit and a car wash.
6. **General Neighborhood/Area Land Uses:** The subject property is along the east side of the Indianola Avenue corridor, slightly north of East Park Avenue. The area includes a mix of higher intensity commercial, warehouse and office use. The subject property is also partially within a Plan DSM Neighborhood Node.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Indianola Hills Neighborhood Association. All recognized neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 26, 2022, and by mailing of the Final Agenda on September 9, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2022 (20 days prior to the public hearing) and September 5, 2022 (10 days prior to the public hearing) to the Indianola Hills 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 Indianola Hills Neighborhood mailings were sent to Matt Yegge, 339 East Broad Street, Des Moines, IA 50315.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** On September 26, 2018, by Docket ZON 2018-00172, the Zoning Board of Adjustment granted an Exception of 208 square feet over the maximum allowed 1000 square feet of aggregate area for accessory structures, to allow construction of a shed measuring 10 feet by 20 feet (200 square feet), and retention of a shed measuring 12 feet by 16 feet (192 square feet each) in addition to a previously existing garage measuring 24 feet by 34 feet (816 square feet), resulting in a cumulative 1,208 square feet of aggregate area for accessory structures.

On March 25, 2022, the Zoning Inspector issued a Notice of Violation for the subject property where there was found to be violations of the Municipal Code. There was found to be prohibited uses (Equipment and Material Storage, outdoor and Junk or Salvage Yard), which are not principal or accessory uses allowed in a "N3a" District. There was also found to be inoperable, unsafe, and/or unlicensed vehicles, vehicular component parts, and/or miscellaneous junk and debris stored outside.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential and Neighborhood Node.

- 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. Planning and Design Ordinance:** Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). Should the property be rezoned, the applicant

would be required to obtain site plan approval and to bring the site into compliance with the approved site plan prior to the proposed use being permitted.

- 2. PlanDSM Creating Our Tomorrow:** The applicant has requested the property be rezoned to “I2” Industrial District to allow outdoor storage of vehicles and vehicular component parts and to allow an auto recycling/ junk and salvage yard business.

PlanDSM designates the subject property as “Low Density Residential” partly within a “Neighborhood Node”. The proposed “I2” Industrial District is not consistent with this land use designation, which PlanDSM describes these designations 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.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

In order for the proposed rezoning to “I2” District to be in conformance with PlanDSM, the future land use designation must be amended to “Industrial”. PlanDSM describes this designation as follows:

Industrial: Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.

The Zoning Ordinance states that the “I2 District is intended for general and higher intensity industrial uses, as well as warehousing and transportation terminals. Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building, and Principal-Use Parking Structure.

Staff believes that industrial uses should be located in areas of the City that are already designated for those types of uses. The subject property is located along the Indianola Avenue commercial corridor in an area that is predominantly commercial, with some residential uses. It is near low density residential neighborhoods. Therefore, this is not an appropriate location for intensive industrial uses and is not compatible with other surrounding uses. If rezoned to “I2” District, allowed industrial uses could have a significant negative impact on adjoining properties.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper asked where the nearest industrial zoning would be.

Sreyoshi Chakraborty stated there is no industrial zoning in the area, this corridor is mainly MX3 and low density residential.

Chris Draper asked if this is a situation where a rezoning needs to be denied so the applicant can seek a use variance from the Zoning Board of Adjustment.

Sreyoshi Chakraborty stated correct.

Keegan Jarvis, 3123 Indianola Avenue stated there is no scrap metal business operating at this location, no inoperable vehicles, this is an accumulation of his personal property. Although he believes it's inappropriate, he is here tonight because the city's zoning enforcement staff advised him that seeking industrial zoning was the proper course of action. He doesn't want to see this property rezoned to industrial but would rather be approved for a permissive use.

Chris Draper advised the applicant that he has requested the commission do the same thing he had stated, which is to deny the industrial zoning, so he is eligible to seek a use variance.

Emily Webb stated this commission doesn't have the authority to approve a use variance, that would be requested through the Zoning Board of Adjustment.

Jason Van Essen stated this commission is charged with making a recommendation to City Council on amendments to the land use map and rezoning. There is no authority over enforcement or interpretation of Chapter 134 of City Code. To apply for a use variance through the Zoning Board of Adjustment, you must be denied rezoning.

Keegan Jarvis stated he was told this commission could make a recommendation on his behalf.

Jason Van Essen stated this commission makes a recommendation to the City Council.

CHAIRPERSON OPEN THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Chris Draper made a motion for:

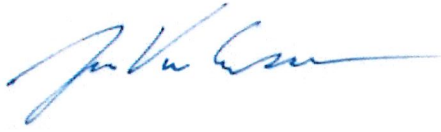
Part A) The proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Denial of the request to amend the PlanDSM future land use designation from Low Density Residential to Industrial Use.

Part C) Denial of the rezoning of the property from "N3a" Neighborhood District to "I2" Industrial District.

Motion passed: 11-0

Respectfully submitted,

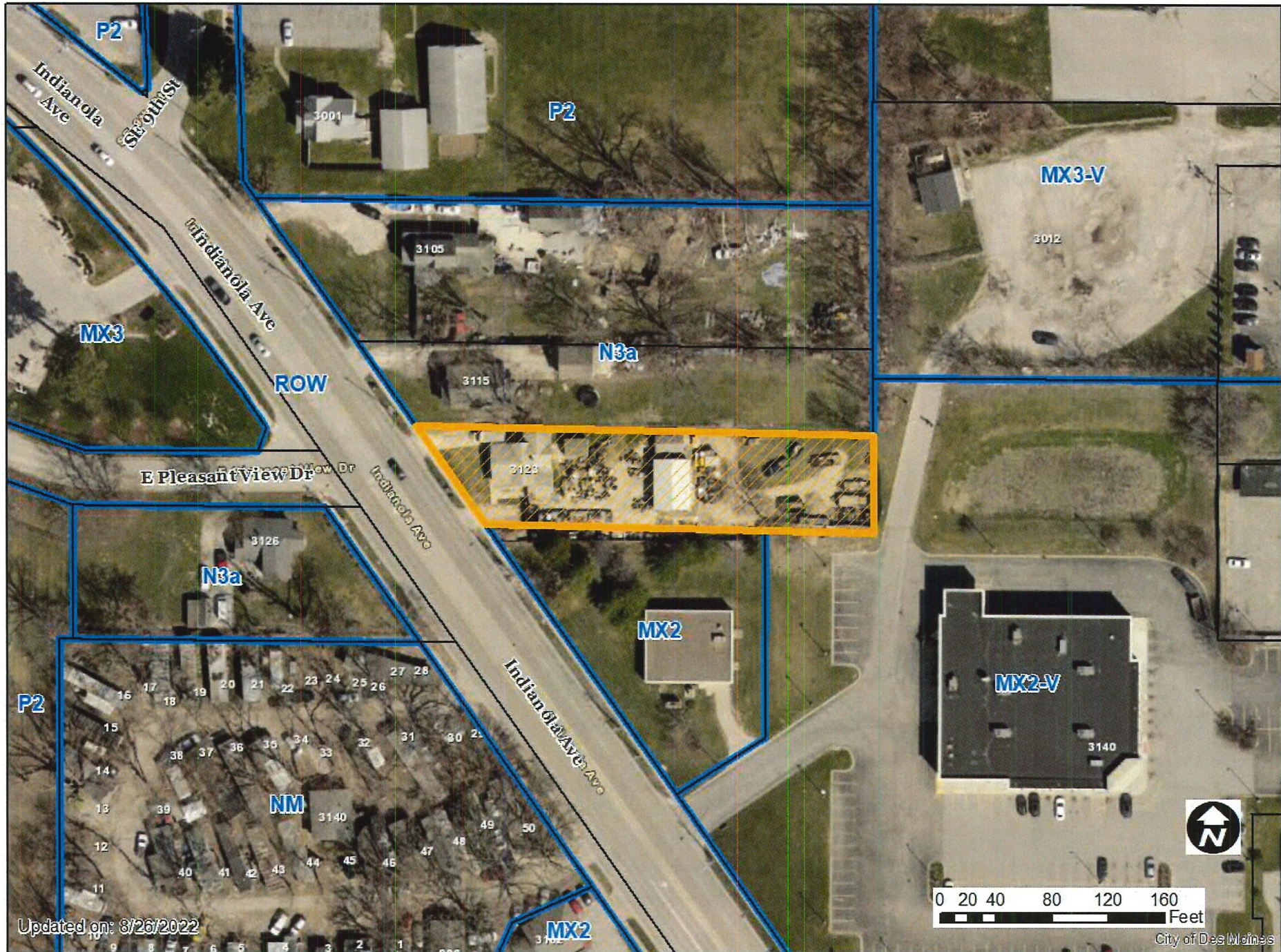
A handwritten signature in blue ink, appearing to read "Jason Van Essen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jason Van Essen, AICP
Planning & Urban Design Administrator

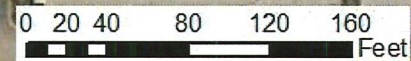
JMV:tjh

Keegan Jarvis, 3123 Indianola Avenue

ZONG-2022-000059

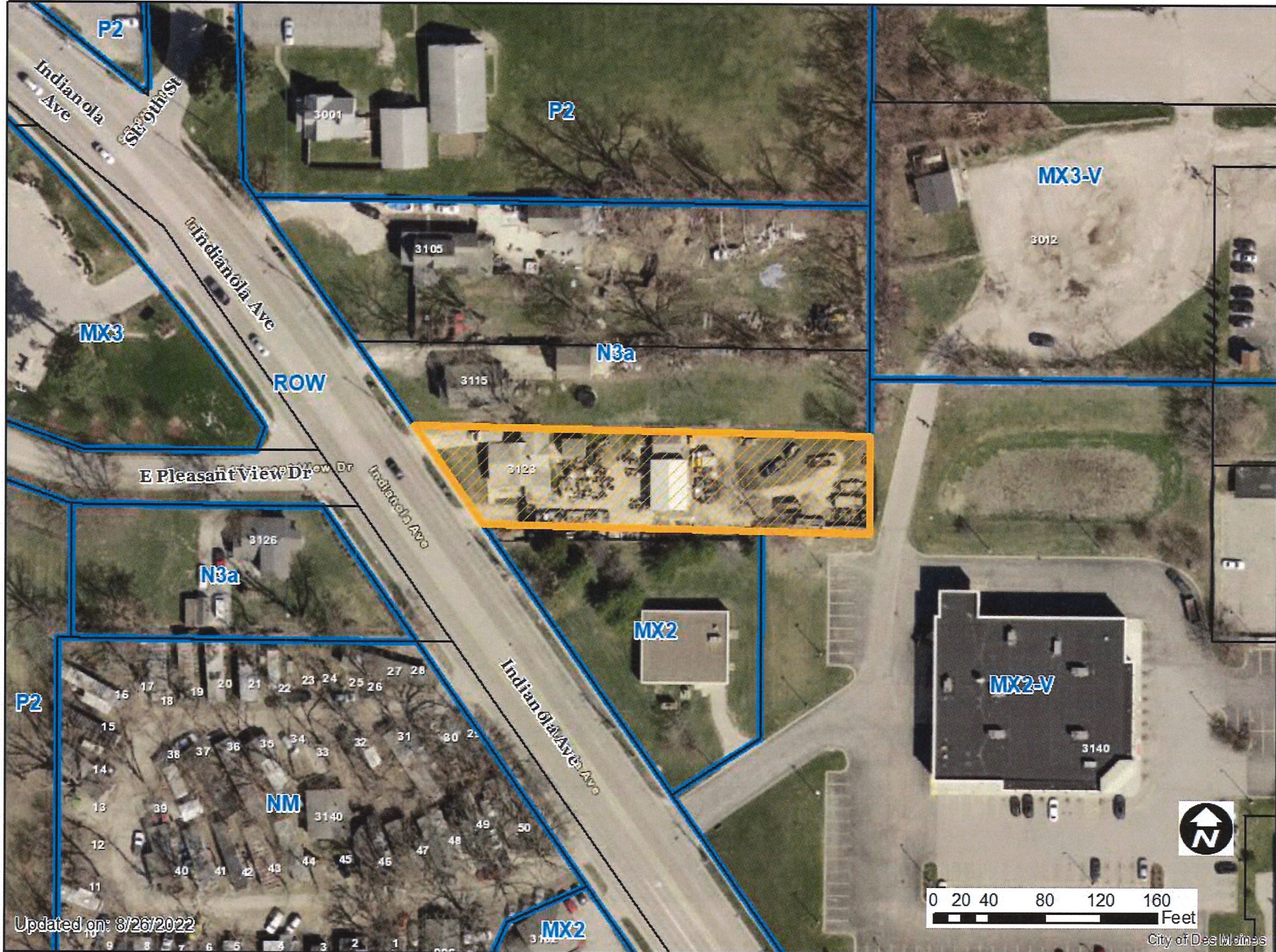


Updated on: 8/26/2022



City of Des Moines

1 inch = 91 feet



Updated on: 8/26/2022

0 20 40 80 120 160 Feet



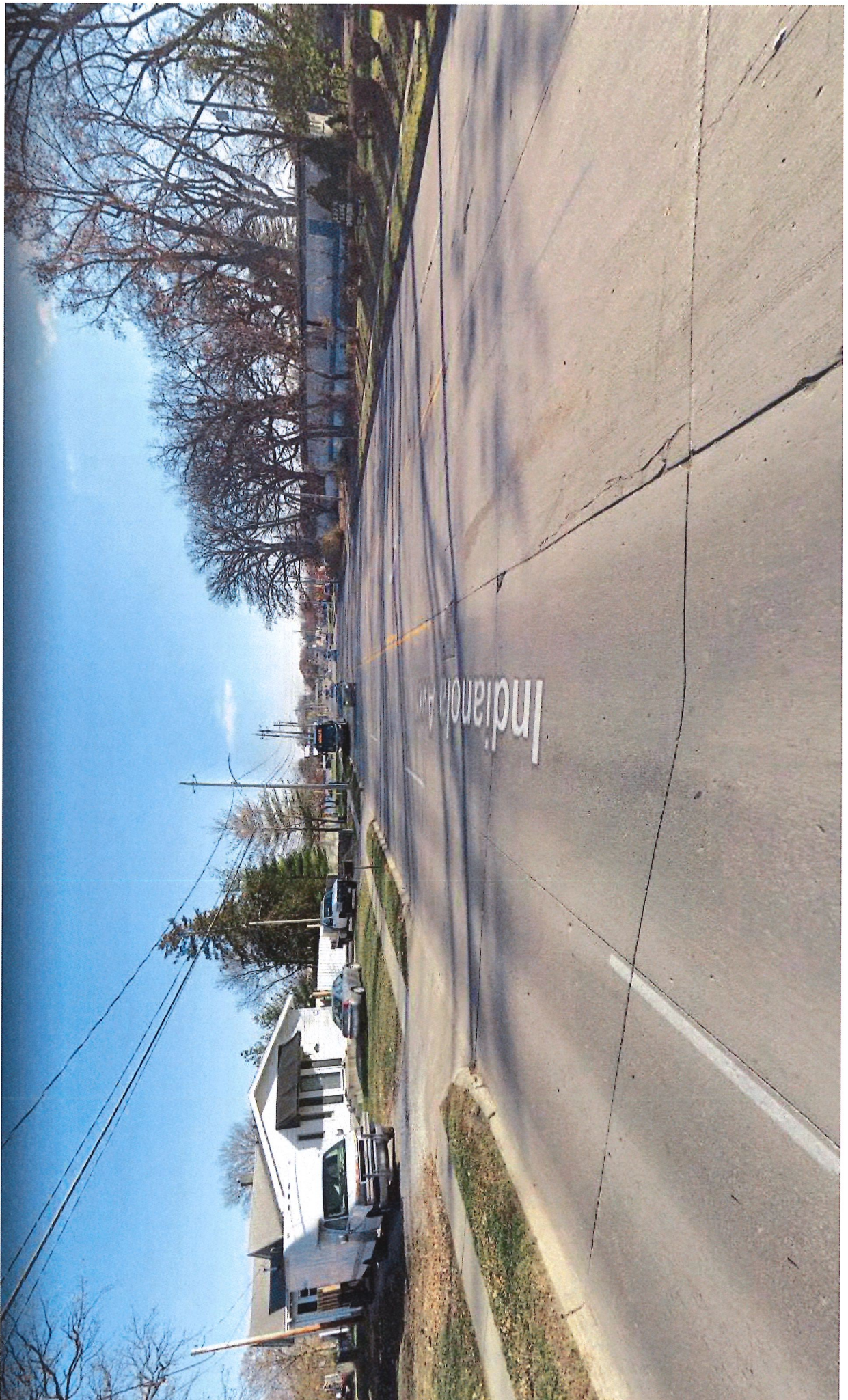
City of Des Moines

1 inch = 91 feet









Indianapolis



CITY OF DES MOINES
Neighborhood Services Department

Armory Building • 602 Robert D. Ray Drive • Des Moines, IA 50309-1881
515-283-4046 DZ@dmgov.org

23

NOTICE OF VIOLATION – CHAPTER 134

Date of Notice: 3-25-2022

Date of Inspection: 3-21-2022

Code Case Number: ZONE-2022-000128

Address of Property: 3123 Indianola Ave.

Parcel Number: 7824-15-479-041















Re: ZONG-2022-000059 and ZONG-2022-000065

Neighborhood meeting minutes

Keegan Jarvis

3123 Indianola Ave.

Des Moines IA 50315

How do I fulfill reporting requirements of my meeting in accordance with the Zoning Ordinance?

Following their meeting, applicants must submit a written summary of their neighbor meetings to Planning Staff NHMeeting@dmgov.org at least three (3) days prior to the first required public hearing.

Neighbor meetings summaries must include at least the following information:

1. Efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held;

Notifications of the neighborhood meeting were sent out VIA US MAIL on the 19th of August 2022. These were sent in handwritten addressed plain white envelopes. (to avoid them being discarded as junk mail)

The entire list as provided to me by the city was contacted.

The meeting was held at 9 AM on 27 August 2022 at my house 3123 Indianola Ave. (the property seeking zoning adjustment) I wanted to be able to show attendees exactly what my place is if they would have asked.

No one attended the meeting.

In the invite, I listed my phone contact and email information, as well as that I would be happy to meet anyone requesting a private meeting.

* As I was tearing the canopy down my directly next-door neighbor at 3115 Indianola Ave. stopped over. He expressed his support for what I'm doing, and his disdain and frustration with the city and my going thru this process with an expletive charged statement. He further vowed to write a letter which he has provided.

2. Who was involved in the discussions;

The owner of 3126 Indianola Ave called me expressing her support. She indicated that she returned the reply card supporting my request. The current resident is the owners granddaughter, she has written a letter to the board on my behalf. A former resident of this address wrote a letter (transcribed and translated from Spanish) on my behalf

The owner of 3115 Indianola Ave wrote a letter to the board on my behalf. They indicated that they returned the reply card supporting my request.

The owner of 3105 Indianola Ave wrote a letter to the board on my behalf. They indicated that they returned the reply card supporting my request.

An elderly person who didn't clearly identify where they lived, stopped me while I was mowing my lawn. They indicated thru a rather bizarre exchange that they were returning the reply card in support of my request. (I gather they may be afraid of the city?) They wished not to provide any statement that would identify themselves.

3. Suggestions and concerns raised by neighbors; and

The only concern that was raised in potential opposition of me was that they wanted to make sure that my property would continue to be kept up, and not fall into dis array. The individual was misled by the verbiage used by the city. They thought I was trying to start open up a junkyard here.

On the part of this process, there is a great deal of frustration with the city. My neighbors overwhelming support my request.

4. What specific changes, if any, were considered or made as a result of the neighbor meetings.

I was just asked not to open up a junk yard where cars are going in and out continuously, not using torches, car crushers, semis, end loaders, or creating potential hazardous material releases. When I told her I have no intention of that and have never engaged in that business. She was supportive knowing this.

I will be emailing scanned copies of 3 of the 4 signed letters with this in the mail

Translated and transcribed from Spanish

Re: ZONG-2022-000059 and ZONG-2022-000065

Dear Zoning board,

My Former Neighbor Keegan Jarvis at 3123 INDIANOLA AVE. DM IA, 50315, ask me to share my thoughts on his zoning request.

First off, he is a great neighbor. He saw me shoveling out the 4' snow drift, brought his little skid loader and dug me out. Maybe 10 minutes later the city snowplow pushed another 1' of wet heavy snow right back in front of the sidewalk I just shoveled out. Keegan came right back and dug me out and a fire hydrant and I didn't even have to ask him. I was repairing raccoon damage to the house and needed a work platform like 12' high. Keegan brought over his box truck, and plywood. We parked it against the side of the house, put the plywood down on top of the truck and used it as a work platform to complete the job. He brought over his bobcat and lifted the material up to us. We could have done it from a ladder, but it would have taken a lot longer and been less safe.

I read the city staff recommendation. I was flabbergasted! My neighbor isn't running a junkyard, auto salvage, or any business in the like! The individuals writing that clearly lack the ability or desire to specify a property owners' intent. Using that verbiage paints a picture that is grossly inaccurate! He's asking you to let him park his truck in his driveway. He's asking you to let him use the equipment he owns to better his property, make him happy, and better the neighborhood. He's asking you to let him have his stuff in the back yard. Sounds a lot more to me like the guy is using the place as a domicile than a junkyard. He doesn't use industrial equipment or create any of the hazards associated with this. He's not back there tearing apart cars; he's tinkering with and sorting his late family members stuff from when they passed.

Being honest with you the place I came from in Mexico is safer than the specific area directly surrounding Indianola and Park Ave. It is under the control of some particularly violent, deadly, well-connected criminals. Back there, you go from point a to b without making noise, vandalizing, littering, driving obnoxiously or recklessly. You do any of the crap that happens around here on a daily basis, and you wouldn't be breathing. People up here don't get that! My retaining wall was crashed into, and the car drove off. Back home their head would be on a stake in front of the broken retaining wall. People spray paint these little buildings and their accessories, break their signage, build bum camps on their grounds, and the like up here. Back home you'd be shot dead on the spot. Fire and EMS vehicles are loud and never ending. They know better back home than to sometimes use a horn even. People yell, throw stuff at cars, do their drugs, and everything else from the bus stops and the sidewalks. Back home, they would be floating face down in a river. Clearly, we don't have snow back home, but if a municipal truck did something like plowed the wrong guy in back home; probably the whole city's fleet would be burned down. The very actions being taken here, no one would be crazy enough to complain or try to make issue of back home. I get the city fixing a problem if needed, but there is no problem to fix here. Honestly, maybe the criminals back home run things better, and we have more freedom than in this city?

I know other people that have been pushed around by city property code inspection enforcement. I'd expect the city to step in if a place is unsafe, an eyesore, creating hazards, or completely out of place. I understand the city doesn't want to allow a municipal landfill, right next to a country club for obvious

reasons. This isn't the issue here though! Over the past 2 years, I know 3 people who have been harassed by the city. One had to take a shed down because it was 10sq ft too big. Then he got rid of his grandkid's toys stored inside of it. Another must park his roofing truck trailer on the street now instead of in between his house and the hedge grove, on his mulch path. Another guy closed in a front porch and put his stuff in there, and the city got him for that. These were people that were clean and didn't want visible clutter in their yard. When I heard Keegan was under attack by the city I was confused and saddened. I knew he wanted to move and build a nice place in the countryside. I guess he will be like many others, that get stressed out by the city and move out. I'm sure the city doesn't care that the neighborhood will lose their "helpful farmer Joe" but the neighborhood will. Face it, these houses in this area are old and affordable. Odds are the neighborhood won't get a good neighbor back in there when he moves away. I honestly feel like the city would rather have a drug dealer in there who barely keeps the place up and has nothing outside; than a good man that has a little stuff in a fenced in back yard. The city has the satisfaction of getting their way, in that case. It feels like they raised our taxes to control us more. I don't feel like the city really cares about the greater good of the neighborhoods, rather just that people follow their mandates. This seems backwards to me! He isn't hurting anyone! What he is asking your board for is very reasonable and honorable. I also want to point out he is a partially disabled veteran. I implore you guys to grant the appropriate exceptions to the code and leave him alone!

A. L. Ruiz



Former resident @ 3126 INDIANOLA AVE. DM IA 50315

Directly across Indianola Ave. from 3123 INDIANOLA AVE. DM IA 50315

Re: ZONG-2022-000059 and ZONG-2022-000065

Addressing plan and zoning authority

I've been asked to write a letter on my neighbor's behalf to this board. Keegan Jarvis's property use at 3123 INDIANOLA AVE. DM IA, 50315, has virtually no impact on any surrounding neighbors. What he does in the confines of his fenced in yard is his right. Clearly, he is using the property as a residence, and not a business.

He's a helpful neighbor. I see him using his belongings and equipment to help neighbors all the time. He has cleared our driveway, and or helped us move stuff on occasion as well.

Though a city must have planning in place to keep the city nice, the actions being taken now are not helpful from my perspective! We know he is stressed out by the City of Des Moines. He bought a place and is working to build 30 minutes out of town. Good neighbors are not a guarantee, and to know we are losing a good one is frustrating. I'll point out that my neighbor keeps his place up probably better than most places comparatively. He just put a new roof and siding on his house. He has put up 2 very nice sheds and an outbuilding. He keeps his place mowed and presentable as you drive by. I really have a hard time thinking anyone around here would want to complain about him. He mentioned his vindictive ex-wife may have made the complaint.

Let's talk about his stuff... He is quite crafty. When he has time him and his girlfriend will garden, craft, he will tinker with stuff, and just do general things. Sure, he has stuff stored on pallets and in boxes and saves stuff to repurpose. He has a bobcat and a mini digger he plays with and uses on his property. He uses them to clear snow and keep his place up as well as generally make him happy. I've yet to see a situation where he hasn't been willing to use them to help another neighbor out too. He actually comes up with some pretty cool stuff sometimes. He uses his equipment also to build his property down south too. His small commercial trucks and trailers are used for this too. I'm fairly certain his business owns his equipment but what small business owner shouldn't be able to use their equipment as they see fit. We all have deep lots and fenced in private back yards. He isn't hurting anyone. I also know he is stressing out to get rid of stuff to get the city to leave him alone.

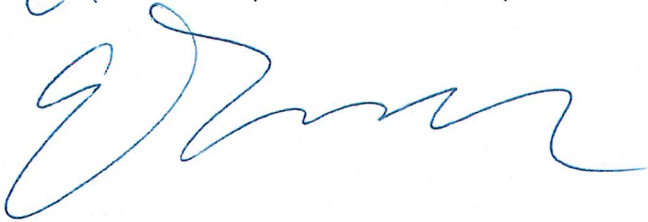
Calling his residence, a junkyard or insinuating he is running a salvage operation out of his place is absurd! This shows the city is way off and gives the appearance that they just want to control their citizens, and what they do for some agenda. He's not bringing semis down residential streets. He's not bringing massive heavy equipment in here. He's not doing industrial activities that could cause pollution noise, fire, or industrial hazards. I can't understand why his residence would need to be zoned as an industrial site. I've got to think the city can grant him some type of conditional use and LEAVE HIM ALONE!

I'm going to be candid here! Around us is a dilapidated and sketchy motel, a Walgreens that gets worse all the time, a bunch of small seemingly unmonitored and unoccupied commercial buildings, and bus stops. On a daily basis drug addicts, criminals, bums, vagrants, vandals, and other just seedy characters roam. There is a hazardous 4 lane road right in front of our houses! Try pulling into one of our driveways with the way some of these lunatic's drive. Calls to police over loud cars, loud motorcycles, loud music, squealing tires, intoxicated and combative people on foot, and road noise don't seem to fix anything. Try sleeping with Fire/EMS traffic and its constant noise! Wrecks across yards, mailboxes,

telephone poles and anything else on God's creation are common. Crap falls off, gets thrown, out of or shot from anything passing by. The snowplows are happy to plow us in, and you had better clear your sidewalk within 24 hours! This is no Country Club here. This is an economical place that we can just live. We take the good with the bad. The neighbor is not the bad!

I know and have seen what he has asked. It is factual, and reasonable! He has my support! No one is hurt by it! I work very hard to keep my place nice. My family and I have invested hard work, blood sweat and tears into our place. I wouldn't write a letter on behalf of a neighbor, I felt was threatening or dragging my property or our neighborhood down. My neighbor Keegan Jarvis and his place at 3123 Indianola Ave isn't hurting or impacting our neighborhood in a bad way. I feel strongly that the city's efforts and our tax dollars should be better spent fixing crime, improving streets, and giving us tax relief! Please grant him whatever usage classification is necessary for his activities and move on.

RESIDENT OF 3105 INDIANOLA AVE. DM IA 50315 (neighbor 1 house over from Keegan Jarvis)

Elmer A. Dominguez


Re: ZONG-2022-000059 and ZONG-2022-000065

Addressing plan and zoning authority

I'm writing this letter on behalf of my neighbor across Indianola Ave.

I understand my neighbor is asking for rezoning or some sort of permissive use exemption thru your board. I have read and fully support the city granting him the ability to use his property as he has requested. He is great neighbor. We will miss him when he moves. I know he is in the process of building a place about 30 minutes away from here. He has voiced that his reason for moving is the overreach and shortcomings of the city. The city of Des Moines needs to attract more good neighbors, not run them off! I can appreciate his frustrations, and that of other neighbors with this situation. He isn't hurting anything or anyone. He has earned the support of every neighbor I know around here. He is a partially disabled military member, and man of many skills. He knows and interacts with all our neighbors frequently. I understand he helped the neighbors prior to me. He has used his equipment to help us out.

It is particularly frustrating that the city staff wants to force him to obtain industrial zoning! He has a little bit of stuff on pallets in his back yard, a bobcat, a mini excavator, a mini skid loader, and drives/parks a pickup and a box truck with a trailer at his home. This is not industrial equipment, or industrial property usage. His stuff is all in a fenced in back yard! To my knowledge, his house isn't generating him any business revenue. When I hear industrial, I think of heavy truck traffic, heavy machinery, employees, immense stacks of materials, finish product and waste stored outside, smoke stacks, fire hazards, steam and possible odor release, potential hazardous material storage. There is nothing industrial going on at my neighbors. The last people that lived here called him "farmer Joe" it really makes one wonder if there is a nefarious agenda here, when the city so artfully misconstrues what my neighbor is seeking to do. I live right here; I'd know it if he was opening an auto salvage. I'd know if there was large equipment and hazards at play. There isn't! Seriously, there are much junkier properties around here than his! He just put a new roof and siding on his house. He has put up a nice building and 2 sheds on his property. He's just living there, and doing what he does. In fact, I know he is cleaning up the property to sell and moving stuff to his rural place. This is what he has asked the city for. His business is running out of a warehouse between DM and Ankeny on Delaware Ave, not from his house.

Let's look at the surrounding area: unoccupied commercial buildings, stores, bus stops, and a motel where druggies, vandals, bums, and intoxicated people linger. How about the super noisy 4 laner 50 feet from our houses? The CONSTANT Fire/EMS traffic and its noise pollution is UNRELENTING! Every noise imaginable, and some that aren't: loud cars, loud motorcycles, loud music, squealing tires, (kids trying to break signs of a telephone pole to throw them at cars) intoxicated and combative sidewalk users, and road noises, come from that road. The way people drive on it is scary! Drivers litter, stuff falls off trucks and trailers. When it snows, the plows leave huge piles of snow in the intersection of Pleasantview and Indianola becomes almost impassible until Keegan comes over to fix it. Since Pleasantview is a side street, and not a main one the city doesn't touch it until usually a day later. Then the grader plows an iceberg into my sidewalk approach and the fire hydrant, to clear a barely 1 car wide path.

When city zoning and planning are used effectively, they preserve property values and allow the city to thrive. Unfortunately, this isn't the case here. I think forcing him to rezone isn't the answer. I'm certain there is a way to exempt or allow a variance that allows him to use his property as he is. Please cease any further enforcement or demand to correct his property use The rest of his neighbors and I expect

you to do just this! Also, if this is the city makes a practice of blindly accusing its residents of running a business and demanding preposterous rezoning; as a rouse to forcibly stop people from having a little bit of clutter on their property, personnel changes should be made! The residents of the City of Des Moines are the city's boss. The city elites, high echelon staff, and elected officials are not Lords!

Olivia Duncan

Wyatt Baker

CONCERNED RESIDENT AT 3126 INDIANOLA AVE. DM IA 50315

NEIGHBOR TO 3123 INDIANOLA AVE. DM IA 50315

A handwritten signature in blue ink, appearing to read "Olivia Duncan".A handwritten signature in blue ink, clearly legible as "Wyatt Baker".

Re: ZONG-2022-000059 and ZONG-2022-000065

Addressing plan and zoning authority

I've been asked to put my thoughts on my neighbors property use at 3123 INDIANOLA AVE. DM IA, 50315, to a letter for your consideration. Normally, I Wouldn't consider going to this kind of time and effort, but my neighbor does and has for me time and again, without even being asked.

Before, I even moved in, I Knew KEEGAN JARVIS. (the owner of 3123 Indianola Ave DM IA 50315) He rents a shop for his business, in Polk County across from a former employer, and Friend of mine. He ordered and placed gravel to recondition my driveway without my even asking, as a housewarming gift. It made moving in SO MUCH NICER not tripping over the existing rutted out dirt/ mud gravel I dreaded fighting moving furniture and home contents in over. When I moved my toolbox... changed an outside lighting fixture... rehung a gutter... you guessed it, him, his intuition and his stuff was there. Everyone wishes they had a neighbor like him. I know of at least 5 neighbors that he does the same thing for. I Don't know of neighbor who doesn't like him, and ask for his help with his stuff. He never asks for money; If you want to pay him invite him over for dinner.

THE CITIES ACTIONS ARE DRIVING OFF MY VALUED NEIGHBOR, AND A GOOD RESIDENT! I know of, and have seen the property he is working to build a home on, about 30 minutes away. The actions of the city have stressed and jeopardized my neighbor's health too going thru this process! HE IS A DISABLED VETERAN WHO HAS FOUGHT FOR YOUR FREEDOMS, AND YOU REPAY HIM BY STEAMROLLING RUFFSHOT OVER HIM! In the hottest days of the summer, I see my neighbor out sorting and getting rid of stuff BEHIND HIS FENCE. He suffered a heat stroke doing just this. When I asked him why not wait until its cool, he told me I can't, I have to get the city off my tail, and this is the only down time I have. I'm disgusted, and feel personally violated that the City of Des Moines is forcing such heavy handed action, on a guy who is literally HURTING NOONE! I'm FURIOUS and exercising great restraint as I write this! PEOPLE THAT THINK THIS IS OK, HAVE NO BUSINESS IN AUTHORITY, MAY GOD REMOVE THEM ONE WAY OR OTHER!!! (change their heart, or give them a heart attack, I don't care!)

How dare the city propagate the falsehood that my neighbors place is a Junk yard! I've yet to see him bring an automobile home and dismantle it in all of my time living here His properties' use generates NO excess traffic, NO obstruction to traffic flow, and brings NO heavy truck traffic to the area. There is NO torches, NO heavy machinery, NO industrial cutting machines, NO shearing equipment, NO car crushers, NO semis, NO front-end loaders, NO cranes, NO specialized material handling machines (machines that only claw or grab), NO other bulky hazardous equipment being utilized at his HOUSE/RESIDENCE. There is NO hazardous material exposure. There is NO industrial hazard exposure. There is NO smoke, NO steam, NO other atmospheric emissions, and NO odors released from his activities. He DOESN'T pose a fire risk. (THE CITY WOULD HAVE LISTED FIRE AND EMS CALLS, (if there were any) in their recommendation, to deny him relief from their OVER-REACH) He just has stuff he is sorting out and tinkering with. There are No large piles of bulk material are stored on the ground. Requiring him to be zoned the same as a junkyard is ASSININE, UNJUST, and inappropriate!

Living directly next to him, and seeing him at his shop regularly, I know and attest to the fact that the stuff at his house is his personal stuff. He spends 85% of his time at his RESIDENCE eating, sleeping, and living at his house. Maybe 15% of the time he is fooling with his stuff. He has a shop his business operates from. A person's house should be a place that they can do what makes them live and thrive.

Yeah, he has some stuff stored outside on pallets with weeds growing around them, yeah he owns a business; and uses his trucks and business equipment for PERSONAL use, at his PERSONAL residence! HE HAS ALL HIS STUFF BEHIND A FENCE! Give me a break! The guy is just trying to LIVE! Is this how the city thinks their constituent's want their elective 1 percent sales tax utilized? SHAMEFUL!

Let me point out that the surrounding vicinity is riddled with unoccupied commercial buildings, that foster and shelter drug addicts, criminals, bums, vagrants, vandals, and other people that are out of place. We live on a busy 4 lane road! There are frequent bus stops that attract this same sort of vexation. Though many calls are placed to police over this, it is not well managed by the police. The CONSTANT Fire/EMS traffic and its noise pollution is UNRELENTING! There are loud cars, loud motorcycles, loud music, squealing tires, intoxicated and combative people on foot, and road noises. Additionally, the almost yearly car wrecked across the one of our yards, mailboxes, telephone poles etc., and its aftermath. Cars, pedestrians, loose cargo, etc. leave litter all over the street and our yards. (when a chunk of concrete fell off a truck, landing in the street in front of my driveway, my neighbor was the one who removed it with his equipment) When the city plows us in all that streets snow, fails to adequately clear the roads, fire hydrants, sidewalk approaches, etc., my neighbor takes care of it. On most days, his place is cleaner and taken better care of, than many of the surrounding ones within 2 miles.

I understand that a city needs have zoning and planning in place to preserve property values and allow the city to thrive. I GET THIS! THEY ALSO HAVE MORE OF A DUTY NOT TO INFRINGE/ENCROACH ON THEIR RESIDENTS LEGITIMATE USE OF THEIR PROPERTY. Changing his zoning maybe isn't the answer? GRANT HIM WHATEVER YOU NEED TO CALL IT TO ALLOW HIM TO USE THE PROPERTY, AS HE HAS ASKED. I know and have seen what he has asked. It is factual, and reasonable! No one is hurt by it!

I implore this reviewing body to take a LEADERSHIP role. Cease any further enforcement, demand to correct, or further this matter. Grant whatever permissive use is necessary for him to use his property, as he has been. Also, I hope those behind the mistruths and overreach hear my words, and change their actions. They wouldn't want the burden of overcoming mistruth, in an already uphill battle.

Jenness Taylor 9-11-2022
Laverne Biegler 9-11-2022

CONCERNED RESIDENT AT 3115 INDIANOLA AVE. DM IA 50315

Laverne Biegler
Jenness Taylor
NEIGHBOR TO 3123 INDIANOLA AVE. DM IA 50315

Item: ZONG-2022-000065

Date: 9-8-22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Lynnda Richards

Name: LYNDA RICHARDS

Address: 3126 INDIANOLA AVE.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 12 2022

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

Keegan Jarvis is working toward moving from neighborhood & leaving it better by the improvements he's made to his home. He needs time.

Item: ZONG-2022-000065

Date: 9-11-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Laverne Doughter

Name: Laverne Doughter

Address: 3115 Indianola Ave

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 15 2022

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

Keegan Jarvis is a good neighbor and doesn't cause any problems so I for one am in favor of his request for a zoning change.

Item: ZONG-2022-000065

Date: 9-11-22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 15 2022

Signature: [Handwritten Signature]

Name: MATTHEW LEIN

Address: 3000 SE 9th

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

Item: ZONG-2022-000065

Date: 9/7/22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

RECEIVED
COMMUNITY DEVELOPMENT

SEP 12 2022

Signature: [Handwritten Signature]

Name: Molly Hanson

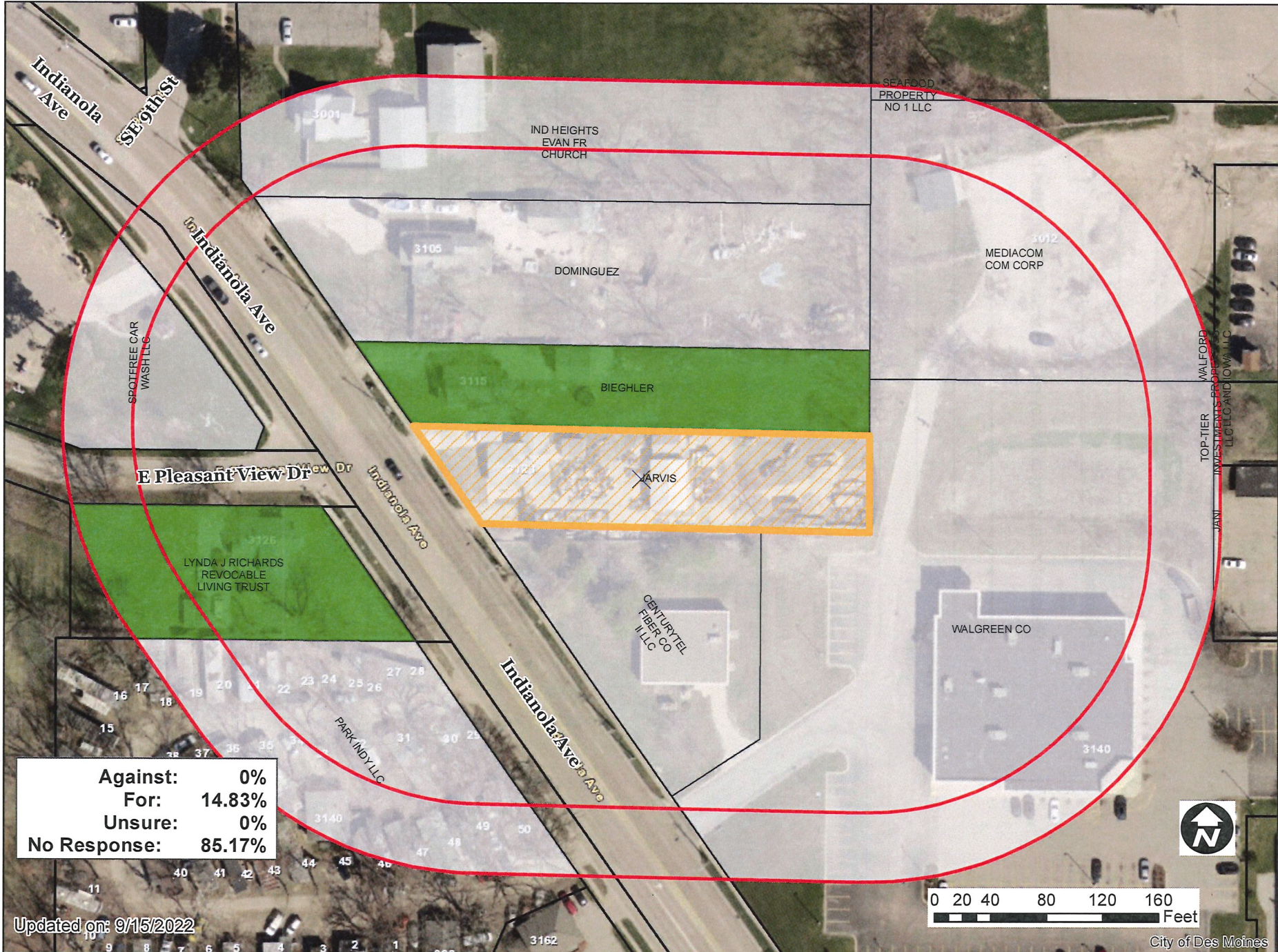
Address: 1953 Courtland Drive

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

We don't feel that a neighborhood is the
appropriate place for a junk and salvage yard

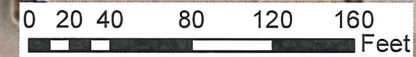
Keegan Jarvis, 3123 Indianola Avenue

ZONG-2022-000065



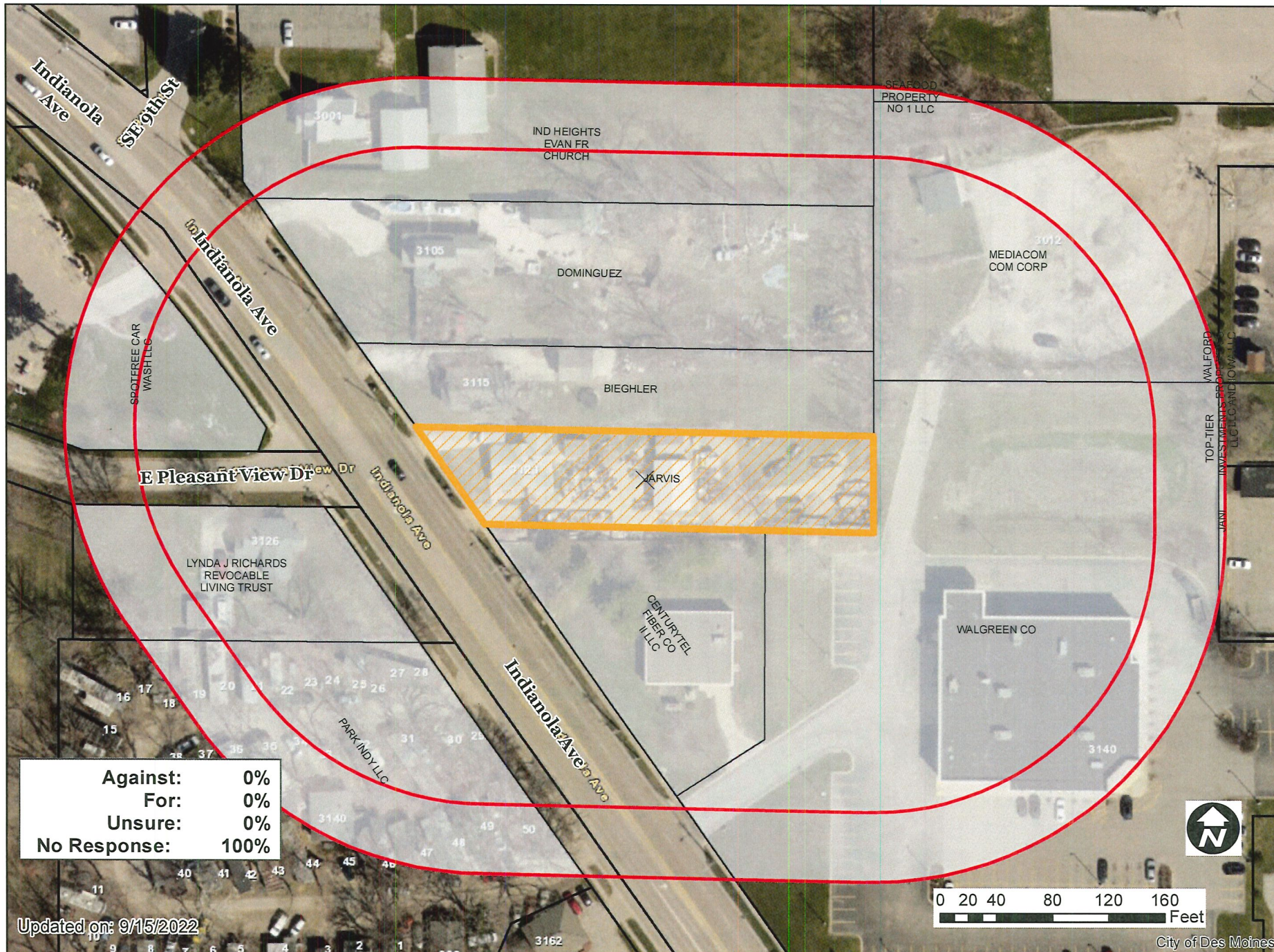
Against:	0%
For:	14.83%
Unsure:	0%
No Response:	85.17%

Updated on: 9/15/2022



City of Des Moines

1 inch = 91 feet



1 inch = 91 feet

Item: ZONG-2022-000065

Date: 9-8-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *Akira T. Dominguez*

Akira T. Dominguez

Address: 3105 Indianola Ave.
DMS, Pa. 50315

Staff Use Only

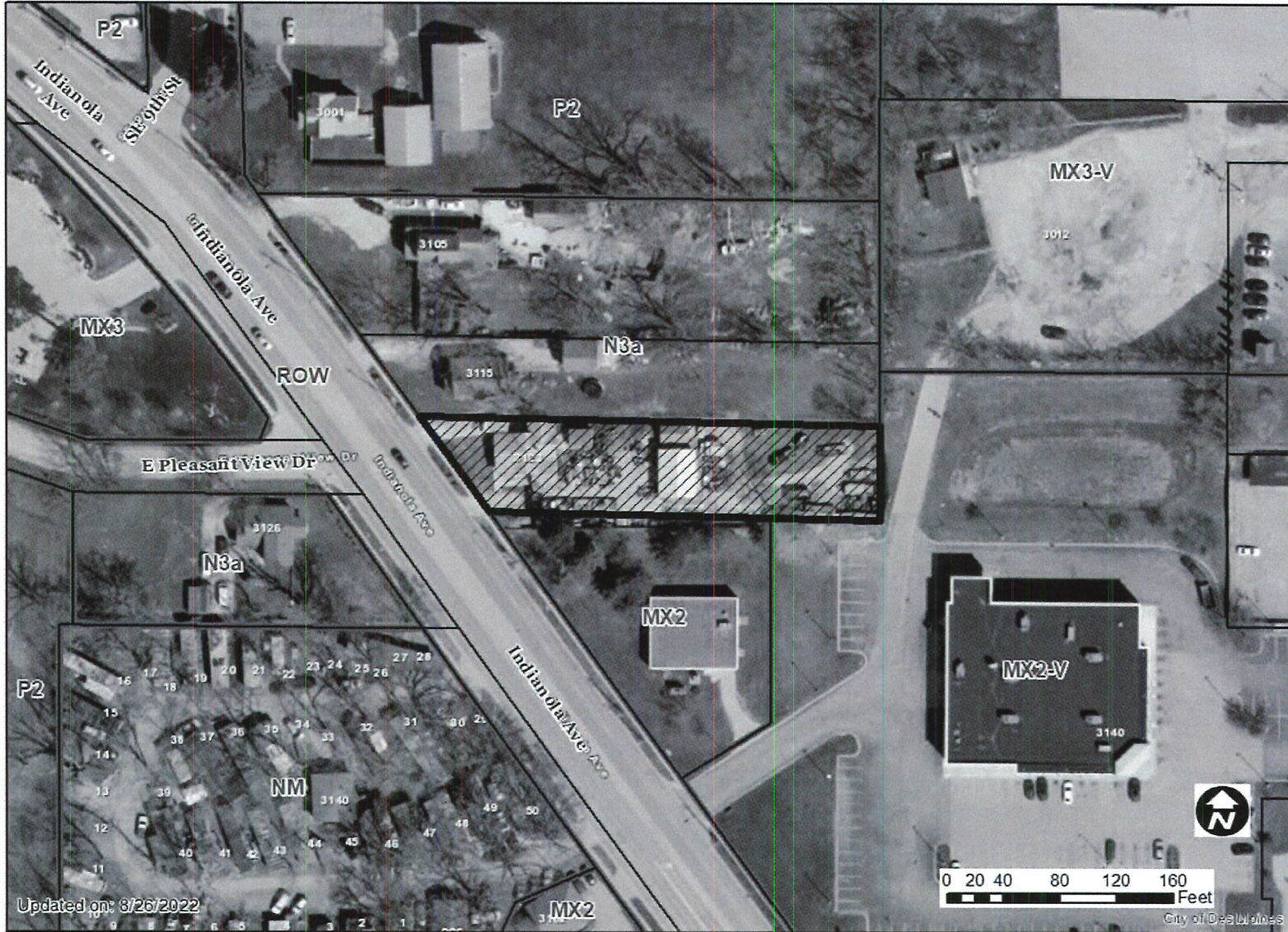
RECEIVED
COMMUNITY DEVELOPMENT

SEP 19 2022

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

Keegan Jarvis, 3123 Indianola Avenue

ZONG-2022-000065



1 inch = 91 feet