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#### Abstract

RESOLUTION SETTING HEARING ON REQUEST FROM PENSKE TRUCK LEASING COMPANY, LP (OWNER), REPRESENTED BY GUY HOLBERT (OFFICER)TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION FROM COMMUNITY MIXED USE TO INDUSTRIAL AND TO REZONE THE PROPERTY LOCATED AT 4101 E $14{ }^{\mathrm{TH}}$ STREET FROM "MX3-V" MIXED USE DISTRICT TO "I1" INDUSTRIAL DISTRICT, TO ALLOW EXPANSION AND SITE IMPROVEMENTS FOR THE EXISTING TRUCK PARKING FACILITY


WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023, its members voted 12-0 in support of a motion finding the requested rezoning for Property located at $4101 \mathrm{E} 14^{\text {th }}$ Street is not in conformance with the existing PlanDSM future land use designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023 its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Penske Truck Leasing Company, LP (owner), represented by Guy Holbert (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 4104 E $14^{\text {th }}$ Street from Community Mixed Use to Industrial; to rezone the Property from "MX3-V" Mixed Use District to "I1" Industrial District to allow expansion and site improvements for the existing truck parking facility, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

> THE WEST 7 ACRES OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24 , TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 114 OF THE EAST 115 FEET OF THE WEST 148 FEET THEREOF; AND EXCEPT THE SOUTH 25 FEET OF THE EAST 535.5 FEET OF THE WEST 386.5 FEET THEREOF; AND EXCEPT THE WEST 33 FEET THEREOF; AND EXCEPT THAT PART CONDEMNED BY THE STATE OF IOWA IN CONDEMNATION PROCEEDINGS FILED NOVEMBER 11, 1996 IN THE POLK COUNTY RECORDER’S OFFICE IN BOOK 7520, PAGE 230 AND DESCRIBED AS FOLLOWS:  COMMENCING AT A POINT OF REFERENCE AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE NORTH 89³0’05" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 33.00 FEET; THENCE SOUTH 00000'00" EAST ALONG THE PRESENT EAST RIGHT OF WAY OF EAST $14^{T H}$ STREET (HIGHWAY 69) EXTENDED, 445.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH


Date $\qquad$
$89^{\circ} 24^{\prime} 45^{\prime \prime}$ EAST, 13.62 FEET TO THE NEW EAST RIGHT OF WAY LINE OF SAID EAST $14^{\text {TH }}$ STREET (HIGHWAY 69); THENCE SOUTH $01^{\circ} 54$ ' $33^{\prime \prime}$ WEST ALONG SAID NEW RIGHT OF WAY LINE, 177.61 FEET; THENCE SOUTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ EAST ALONG SAID NEW RIGHT OF WAY LINE, 14.31 FEET TO THE PRESENT NORTH RIGHT OF WAY LINE OF EAST SHAWNEE AVENUE; THENCE SOUTH $89^{\circ} 34^{\prime} 26^{\prime \prime}$ WEST ALONG SAID NORTH RIGHT OF WAY LINE, 7.70 FEET TO THE PRESENT EAST RIGHT OF WAY LINE OF EAST $14^{\text {TH }}$ STREET (HIGHWAY 69); THENCE NORTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ EAST ALONG SAID EAST RIGHT OF WAY LINE, 191.74 FEET TO THE POINT OF BEGINNING, ALL 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 and the proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on March 27, 2023 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 $\qquad$ TO ADOPT. SECOND BY $\qquad$ .

FORM APPROVED:
/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney
(ZONG-2023-000001) (COMP-2023-0000002)
$\qquad$

Date $\qquad$

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
| :--- | :--- | :--- | :--- | :--- |
| COWNIE |  |  |  |  |
| BOESEN |  |  |  |  |
| GATTO |  |  |  |  |
| SHEUMAKER |  |  |  |  |
| MANDELBAUM |  |  |  |  |
| VOSS |  |  |  |  |
| WESTERGAARD |  |  |  |  |
| TOTAL |  |  |  |  |
| MOTION CARRIED |  |  |  |  |

## 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.
$\qquad$

Communication from the City Plan and Zoning Commission advising that at their February 16, 2023 meeting, the following action was taken regarding a request from Penske Truck Leasing Company, LP (owner), represented by Guy Holbert (officer) to rezone the property located at 4101 E $14^{\text {th }}$ Street from "MX3-V" Mixed Use District to "I1" Industrial District, to allow the expansion and site improvements for the existing truck parking facility.

## COMMISSION RECOMMENDATION:

After public hearing, the members voted $12-0$ as follows.

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

APPROVAL of Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial.

Part C) Approval of the rezoning of the subject property from "MX3-V" Mixed Use District to "I1" Industrial District.

## STAFF RECOMMENDATION TO THE P\&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial.

Part C) Staff recommends approval of the rezoning of the subject property from "MX3-V" Mixed Use District to "I1" Industrial District.

## STAFF REPORT TO THE PLANNING COMMISSION

## I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to replace and expand portions of an existing truck parking lot and rental facility. In addition, a few other site improvements such as lighting, landscaping and fencing are proposed. The subject property is the existing parking lot of the Penske rental truck and transportation facility. The existing use falls under the Industrial category and does not conform to what is allowed in the "MX3-V" zoning district.
2. Size of Site: 6.1 acres ( 265,666 square feet).
3. Existing Zoning (site): "MX3-V" Mixed-Use District.
4. Existing Land Use (site): Truck parking and rental facility.

## 5. Adjacent Land Use and Zoning:

North - "I1"; Uses include auto repair and body shop, storage, office and warehouse.
South - "I1", "I2", "MX3-V"; Uses are warehousing, storage, and office.
East - "I1"; Uses include freight and warehouse facility.
West - "EX"; Uses are auto repair shop and auto service.
6. General Neighborhood/Area Land Uses: The subject property consists of a large truck parking and rental facility along East $14^{\text {th }}$ Street in a predominantly industrial area consisting of large warehousing and auto oriented businesses.
7. Applicable Recognized Neighborhood(s): The subject property is located in the Highland Park neighborhood. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on January 27, 2023 and the Final Agenda on February 10, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on January 27, 2023 ( 20 days prior to the public hearing) and February 6, 2023 (10 days prior to the public hearing) to the Neighborhood Associations 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 sent 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 Highland Park Neighborhood Association notices were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

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

## 8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Business Park.
10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the lowa 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 lowa 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 area 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 applicant is requesting that the future land use designation for approximately 1.03 acres of the western portion of the property be amended from Community Mixed Use to Industrial to make it consistent with the rest of the subject site. PlanDSM describes these designations 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.

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 subject property is currently zoned "MX3-V" District. The Zoning Ordinance describes "MX3" district as, "intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale." For X and I district locations labeled with a "-V" extension, vehicle sales and rental display uses are prohibited pursuant to section 134-3.1.2 of the City Code.

The applicant is proposing to rezone the subject property to "I1" District. The Zoning Ordinance describes "I1" district as, "intended or general industrial uses, warehousing, and transportation terminals."

Staff believes that the proposed land use amendment and rezoning would be consistent with the existing character of the surrounding area and would not have significant impacts on adjoining properties so long as any development is constructed in accordance with an approved site plan and the supplemental regulations pursuant to Section 134-3.6.3.E of the City Code.
2. Vehicle Sales and Rentals: The zoning district of a significant portion of the East $14^{\text {th }}$ Street corridor including and, in the vicinity, especially to the south of the subject property has been designated as a "-V" extension to discourage the expansion of businesses involving auto oriented sales and rental display lots. The subject property with the truck parking and rental facility is an existing business that is not proposing to substantially expand. The site improvements proposed would enhance the visual appearance of the property. Furthermore, it is not a typical auto rental and display lot that the intent of " -V " designation is in order to limit these uses in certain areas of the City.
3. Planning and Design Ordinance: Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

## SUMMARY OF DISCUSSION

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Emily Webb made a motion for:
Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial.

Part C) Approval of the rezoning of the subject property from "MX3-V" Mixed Use District to "I1" Industrial District.

Motion passed: 12-0

Respectfully submitted,


Jason Van Essen, AICP Planning \& Urban Design Administrator

JMV:tjh

Penske Truck Leasing Company, LP, 4101 East 14th Street


1 inch $=160$ feet




## SITE PLANS <br> FOR <br> PENSKE TRUCK RENTAL <br> CITY OF DES MOINES, POLK COUNTY, IOWA 4101 NE 14TH STREET








February 3, 2023
Ms. Sreyoshi Chakraborty
Senior City Planner, Development Services
Community Development (Building Services)
602 Robert D. Ray Drive
Des Moines, Iowa 50309

## RE: PENSKE TRUCK RENTAL REZONING - ZONG-2023-000001 <br> NEIGHBORHOOD MEETING SUMMARY <br> 4101 E $14{ }^{\text {TH }}$ STREET <br> S\&A Project No. 122.0747.01

Dear Sreyoshi:
On behalf Chris Ziegemeier, as Applicant, please find accompanying the Neighborhood Meeting Summary and associated information for the above referenced project regarding the rezoning update of the lot at $4101 \mathrm{E} 14^{\text {th }}$ Street.

A meeting was held at 4101 E $14^{\text {th }}$ Street from 6:00 p.m. to 6:30 p.m. on Thursday February 2, 2023. The meeting was held at the Penske Truck Rental Building on the lot that is being rezoned. Per city guidelines, it is recommended that the meeting be held 10 days prior to the public hearing set for February $16^{\text {th }}$. February $6^{\text {th }}$ is on a Monday so we backtracked to the nearest working day other than Monday/Friday as those would produce the least amount of the public to be able to be available to attend the meeting. Thursday February 2, after typical business hours was set for the meeting date and time.

Letters were mailed on January 25, 2023 to all parties within the limits of the project as provided by City of Des Moines Staff as well as all ranking members of the associated neighborhood association.

Justin Strom, with Snyder and Associates and Chris Ziegemeier as the owner representative were in attendance. The two of us sat in the conference room from 6:00 p.m. to 6:30 p.m. with staff at the front door directing anyone looking for the meeting to the conference room. Ultimately no one showed up during the 30 minute time frame that was listed on the letter, and the meeting was concluded at 6:30 p.m. with no discussion.

A presentation board was available with a rezoning map of the lot and those surrounding areas, along with a page of the dimension and landscaping plans associated with the site plan related to the rezoning for those who could have been in attendance. A sign in sheet and short presentation was prepared but uneeded with no one in attendance. No sign in sheet has been provided with this summary, as no one was present.

IOWA | MISSOURI | NEBRASKA | SOUTH DAKOTA | WISCONSIN
\&ASSOCIATES
After the meeting no addition action was taken. No action was needed.
We respectfully request the City's review and approval of these items. Please let me know if you have any questions or require further information. Thank you.

Sincerely,
SNYDER \& ASSOCIATES, INC.


Justin F. Strom
Enclosure
cc: Chris Ziegemeier (w/enclosures emailed) file (electronic)

# RE: INVITATION TO A NEIGHBORHOOD MEETING Regarding property located at 4101 E $14^{\text {th }}$ Street between E Shawnee Ave and NE Aurora Ave. 

Date/Time: Thursday, February 2nd, 2023<br>6:00 p.m.-6:30 p.m.<br>Location: Penske Truck Rental<br>4101 E $14^{\text {th }}$ Street, Des Moines

On behalf of the Owner's we would like to invite you to a scheduled neighborhood meeting for those residents within the notification limits interested in discussing the rezoning of the property at 4101 E $14^{\text {th }}$ Street, also known as the Penske Truck Rental site. The purpose of this discussion is to inform the adjacent neighborhood of the rezoning and for the neighborhood to ask questions of representatives from the owners and Snyder and Associates, Inc. If you would like to attend, please join us on Thursday, February 2nd, 2023 at 6:00 p.m. at the Penske Truck Rental at 4101 E $14^{\text {th }}$ Street, Des Moines.

The current existing property is zoned MX3-V "Mixed Use" and the existing approved general use is "Trucking and Transportation Terminal". The current existing approved usage is not allowed in the existing zoning district per City Code. As part of minor site plans improvements for pavement maintenance, lighting and fencing, the City is requiring the property be rezoned to the proper zoning. The proposed rezoning is to Il - "Industrial" which would properly match the use of "Trucking and Transportation Terminal" per City Code and would be inline with the immediately adjacent property zoning designations.

Sincerely,
SNYDER \& ASSOCIATES, INC.


Justin F. Strom, P.E.

Address listed include those received by the City within the required perimeter length as well as ranking members of the neighborhood association.
GMDB PROPERTIES LLC
4100 E 16TH ST
DES MOINES IA 50313-3905

BAM HOLDINGS LLC
4300 NE 14TH ST
DES MOINES IA 50313-2606

N3 PROPERTIES LLC 1001 NE 44TH AVE
DES MOINES IA 50313-2914

STRONGS REAL ESTATE LC
1607 NE CHAMBERS PKWY
ANKENY IA 50021-7437

JAMES KLAAS
4106 E 14TH ST
DES MOINES IA 50313-3804

PENSKE TRUCK LEASING
COMPANY LP
2675 MORGANTOWN RD
READING PA 19607-9676

ASHLEY KENNEBECK
$38187^{\text {TH }}$ STREET
DES MOINES, IA 50313
MARVIN THOMASON
935 SATURN DR UNIT 130
COLORADO SPRINGS CO 80905-7847

GALINSKY FAMILY REAL ESTATE LLC
12925 PINEVIEW DR
CLIVE IA 50325-7503

INTERNATL ASC IRON WORKERS \# 67
1501 E AURORA AVE
DES MOINES IA 50313-3912

MCKEE AUTO CENTER INC
4141 E 14TH ST
DES MOINES IA 50313

MCKEE AUTO CENTER INC
4131 E 14TH ST
DES MOINES IA 503133803

SHERRI ROSENER
1206 OAK PARK AVE
DES MOINES IA, 50313

NICOLE RIPPERGER-WARRICK
1604 HULL AVE.
DES MOINES, IA 50313

BHAJAN AULAKH
8500 CHAMBERY BLVD
JOHNSTON IA 50131-8804

NEW TKG-STORAGEMART PARTNERS PORTFOLIO LLC
215 N STADIUM BLVD STE 207
COLUMBIA MO 65203-1160

C \& S PROPERTIES II LC
4140 E 14TH ST
DES MOINES IA 50313-3804

IRONROAD PROPERTIES LLC
4044 E 14TH ST
DES MOINES IA 50313-3802

B5 INVESTMENTS LLC
4100 E 16TH ST
DES MOINES IA 50313-3905

PHIL HERMAN
4101 AMHERST STREET
DES MOINES, IA 50313





Comments: $\qquad$
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Penske Truck Leasing Company, LP, 4101 East 14th Street
COMP-2023-000002


1 inch = 160 feet


