

Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM CS FAMILY PROPERTIES, LLC (OWNER), REPRESENTED BY CORY STEINER (OFFICER), TO REZONE PROPERTY LOCATED AT 3001 SOUTHWEST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023 its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), for the proposed rezoning from “RX1” Mixed-Use District to Limited “MX3” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), to rezone the Property from “RX1” Mixed-Use District to Limited “MX3” Mixed Use District, to allow for the use of the existing building for a vehicle detailing shop, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the “RX1” Mixed Use District, or,
 2. A vehicle detailing business that complies with the supplemental use regulations for the “Vehicle Maintenance and Repair, Minor” use subcategory of the “Vehicle Sales and Service” use category.;
- and

WHEREAS, the Property is legally described as follows:

THE NORTH 25 FEET OF LOT 4 AND ALL OF LOT 3, EXCEPT THE EAST 54 FEET OF SAID LOTS 3 AND 4, ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, THENCE NORTH ALONG THE WEST LINES OF LOTS 4 AND 3 A DISTANCE OF 60 FEET, THENCE SOUTHEASTERLY TO THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 4 TO A POINT 3.5 FEET EAST OF THE WEST LINE OF LOT 4, THENCE WEST 3.5 FEET TO THE POINT OF BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, ALL IN PROCTOR’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on October 2, 2023, by Roll Call No. 23-1327, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on October 2, 2023, at 5:00 p.m., at the City Council Chambers; and



Roll Call Number

Agenda Item Number

66

Date October 23, 2023

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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. Finding that said proposed rezoning from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District, to allow for the use of the existing building for a vehicle detailing shop, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000042)

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

September 12, 2023

Communication from the City Plan and Zoning Commission advising that at their September 7, 2023 meeting, the following action was taken regarding a request from CS Family Properties, LLC (owner), represented by Cory Steiner (officer) to rezone the property located at 3001 Southwest 9th Street from “RX1” Mixed Use District to “MX3” Mixed Use District, to allow use of the existing building for a vehicle detailing shop, which is considered to be a “Vehicle Maintenance/Repair, Minor” use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Carol Maher	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				
Katie Gillette	X				
Rick Trower	X				

APPROVAL of Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from “RX1” Mixed-Use District to “MX3” Mixed Use District, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the “RX1” Mixed Use District, or,

2. A vehicle detailing business that complies with the supplemental use regulations for the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Staff recommends approval of the request to rezone the subject property from "RX1" Mixed-Use District to "MX3" Mixed Use District, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the "RX1" Mixed Use District, or,
2. A vehicle detailing business that complies with the supplemental use regulations for the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow use of the property for a vehicle detailing business, which falls under the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category.

Any future construction or change in use must comply with all applicable site plan and design regulations of the City's Planning and Design Ordinance (City Code Chapter 135). The proposed use would be subject to supplemental use regulations, per City Code Section 134-3.5.19.

2. **Size of Site:** 11,647 square feet (0.27 acre).
3. **Existing Zoning (site):** "RX1" Mixed-Use District.
4. **Existing Land Use (site):** The property contains an existing 1,344-square foot building and a surface parking lot.
5. **Adjacent Land Use and Zoning:**

North – "RX1"; Use are offices.

South – "N3b"; Uses are one household residential.

East – "RX1"; Use is a parking lot used in common with the parcel adjacent to the south.

West – "RX1"; Use is one household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the east side of the Southwest 9th Street commercial corridor at its intersection with Virginia Avenue. There are commercial uses along Southwest 9th, with low density residential areas to the east and west.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Indianola Hills Neighborhood and within 250 feet of the Grays Lake Neighborhood. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on August 18, 2023 and of the Final Agenda on September 1, 2023.

Additionally, separate notifications of the hearing for this specific item were mailed on August 18, 2023 (20 days prior to the public hearing) and August 28, 2023 (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 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 Association notices were sent to Molly Hanson, 1953 Courtland Drive, Des Moines, IA 50315. The Grays Lake Neighborhood Association notices were sent to Heidi Ogden, PO Box 36162, Des Moines, IA 50315.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Relevant Zoning History:** NA.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed-Use.

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 as "Community Mixed Use" on the Future Land Use Map. PlanDSM describes this 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 applicant is proposing to rezone the property from "RX1" Mixed Use District to "MX3" Mixed Use District. The Zoning Ordinance states that "MX3" is 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. Building types allowed in this district include Storefront, Commercial Cottage, General Building, Commercial Center, Civic Building and Principal Use Parking Structure.

Staff believes that the requested rezoning would be in conformance with the land use designation of Community Mixed Use. Furthermore, the subject property is separated from residential uses by a parking lot used in common with the commercial use to the south. The proposed vehicle detailing use would be consistent with the character of uses along the Southwest 9th Street corridor and is an appropriate use for the site.

2. Supplemental Use Regulations: The proposed vehicle detailing business would fall under the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category. Per City Code Section 134-3.5.19, the proposed vehicle detailing use would be subject to, including but not limited to, the following:

- No more than 3 vehicles per bay may be stored outdoors while awaiting repair or pickup.
- No long term outdoor storage of vehicles beyond 72 hours is allowed.
- Vehicles awaiting repair or pickup may not occupy required parking spaces.
- All vehicles must have current license tags.
- Outdoor storage of junk, debris, tires, or vehicle parts is prohibited.
- All repairs must occur within a completely enclosed building.

3. Planning and Design Ordinance: Any development must comply with all applicable site plan and design regulations of the City's Planning and Design Ordinance (Chapter 135 of City Code), including the approval of driveways and access points to the site. Furthermore, the applicant may be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be legally occupied by the proposed use.

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:

Carolyn Jenison made a motion for:

Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from "RX1" Mixed-Use District to "MX3" Mixed Use District, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the "RX1" Mixed Use District, or,
2. A vehicle detailing business that complies with the supplemental use regulations for the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category.

THE VOTE: 14-0

Respectfully submitted,



Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh

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CS Family Properties LLC, 3001 Southwest 9th Street

ZONG-2023-000042



Updated on: 8/15/2023

1 inch = 73 feet









3001 SW 9th St
currently vacant -
small auto detailing
shop proposed



300ft

Item: ZONG-2023-000042

Date: 8/30/2023 66

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 SEP 05 2023

Titleholder Signature: *Henry J. Rivas*

Name/Business: Henry J. Rivas / Henry J's Taco House

Impacted Address: 2912 2920 2924 SW 9th St.

Comments: _____

Item: ZONG-2023-000042

Date: 9-1-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

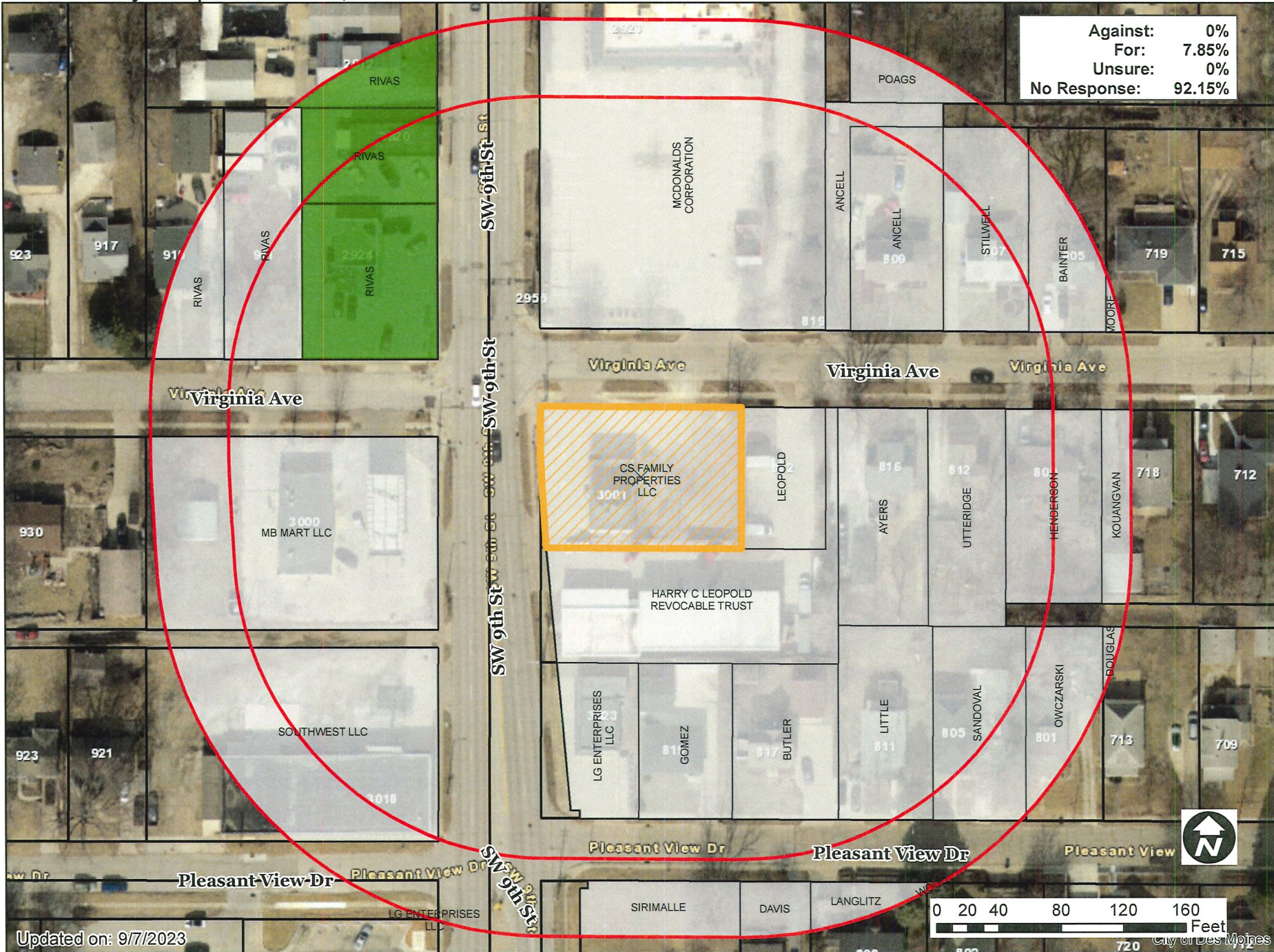
Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 SEP 05 2023

Titleholder Signature: *Christina Deblau Wood*

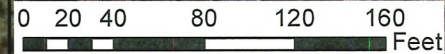
Name/Business: _____

Impacted Address: 802 Pleasant View Dr

Comments: _____



Updated on: 9/7/2023



Handwritten signature/initials

1 inch = 82 feet



1 inch = 73 feet