

**Date** October 23, 2023

**RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM RIREN, LLC (OWNER), REPRESENTED BY MICHAEL GRAHAM (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1500 EAST ARMY POST ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion finding the requested rezoning for Property located at 1500 East Army Post Road, for the proposed rezoning from “EX” Mixed Use District to “CX” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Riren, LLC (Owner), represented by Michael Graham (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 1500 East Army Post Road from Business Park to Community Mixed Use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Riren, LLC (Owner), represented by Michael Graham (Officer), to rezone the Property from “EX” Mixed Use District to “CX” Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop; and

**WHEREAS**, the Property is legally described as follows:

**A PARCEL OF LAND IN THE SE¼ SW¼ SW¼ OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBE AS FOLLOWS:**

**COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID SE ¼ SW ¼ SW ¼, THENCE NORTH 00°00'00" EAST (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE WEST LINE OF SAID SE ¼ SW ¼ SW ¼, 70.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST ALONG THE SAID WEST LINE, 590.69 FEET TO THE NW CORNER OF SAID SE¼ SW¼ SW¼; THENCE NORTH 89°57'22" EAST ALONG THE NORTH LINE OF SAID SE ¼ SW¼ SW ¼, 199 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST PARALLEL TO THE WEST LINE OF SAID SE¼ SW¼ SW¼, 593.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE NORTH 89°11'53" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE;**



**Roll Call Number**

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**199.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 2. 71 ACRES MORE OR LESS; and**

**WHEREAS**, on October 2, 2023, by Roll Call No. 23-1324, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 23, 2023, at 5:00 p.m., at the City 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to "CX" Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop, 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-2023-000053)(COMP-2023-000030)



**Roll Call Number**

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**Date** October 23, 2023

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

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

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Date October 2, 2023

Agenda Item 3468

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

September 26, 2023

Communication from the City Plan and Zoning Commission advising that at their September 21, 2023 meeting, the following action was taken regarding a request from Riren, LLC (owner), represented by Michael Graham (officer) to rezone the property located at 1500 East Army Post Road from "EX" Mixed Use District to "CX" Mixed Use District, to allow the redevelopment of an existing building and the construction of a future building as an autobody shop.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 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 not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Business Park.

Part B) Approval of the request to amend the PlanDSM future land use designation from Business Park to Community Mixed Use.

Part C) Approval of the rezoning of the property from "EX" Mixed Use District to "CX" Mixed Use District.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

3/18

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 Business Park.

Part B) Staff recommends approval of the request to amend the PlanDSM future land use designation from Business Park to Community Mixed Use.

Part C) Staff recommends approval of the rezoning of the property from "EX" Mixed Use District to "CX" Mixed Use District.

## STAFF REPORT TO THE PLANNING COMMISSION

- 1. Purpose of Request:** The proposed rezoning would allow the applicant to establish an autobody shop use at the subject property. Their plans include reusing the existing building and potentially constructing a future building.
- 2. Size of Site:** 118,047 square feet or 2.71 acres.
- 3. Existing Zoning (site):** "EX" Mixed Use District.
- 4. Existing Land Use (site):** Vacant commercial building with office, showroom and storage space.
- 5. Adjacent Land Use and Zoning:**
  - North** – "CX-V", Uses are commercial in nature.
  - East** – "EX", Uses are commercial and light industrial in nature.
  - South** – "EX", Uses are commercial and light industrial in nature.
  - West** – "MX3", Uses are retail in nature.
- 6. General Neighborhood/Area Land Uses:** The subject property is located in a commercial area along East Army Post Road just east of the SE 14<sup>th</sup> Street intersection.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Easter Lake Area Neighborhood Association. All neighborhood associations were notified of the September 21, 2023, public hearing by mailing of the Preliminary Agenda on September 1, 2023, and by mailing of the Final Agenda on September 15, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 1, 2023 (20 days prior to the public hearing) and September 7, 2023 (10 days prior to the public hearing) to the Easter Lake Area Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

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

**8. Relevant Zoning History:** N/A.

**9. 2020 Community Character Land Use Plan Designation:** Business Park.

**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 applicant has requested the property be rezoned to "CX" Mixed Use District to allow an autobody shop use.

PlanDSM designates the subject property as "Business Park". The proposed "CX" Mixed Use District is not consistent with this land use designation, which PlanDSM describes as follows:

*Business Park: Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, order, vibration, glare, or other objectionable influences, and would have little or no averse effect on surrounding properties.*

In order for the proposed rezoning to the "CX" District to be in conformance with PlanDSM, the future land use designation must be amended to "Community Mixed Use". 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 Zoning Ordinance states that the "CX" District is intended for nodes and corridors with larger-scale single-use commercial accommodating higher levels of vehicular traffic than MX districts and more intensive commercial uses, especially with outdoor sales and storage. Building types allowed in this district include the Storefront, General Building, Commercial Center, Civic Building, and Principal-Use Parking Structure.



The site is located in a Regional Node, which already includes the Community Mixed Use future land use map designation. In addition, there are other properties in close proximity that are zoned "CX" or "MX3" District. The "MX3" District is a compatible transition from the "CX" District. The proposed Land Use Plan amendment and rezoning are appropriate for the area.

- 2. 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). Furthermore, a Site Plan and building elevations would be required for any future development before the property can be legally occupied by a new 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 not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Business Park.

Part B) Approval of the request to amend the PlanDSM future land use designation from Business Park to Community Mixed Use.

Part C) Approval of the rezoning of the property from "EX" Mixed Use District to "CX" Mixed Use District.

### **THE VOTE: 8-0**

Respectfully submitted,

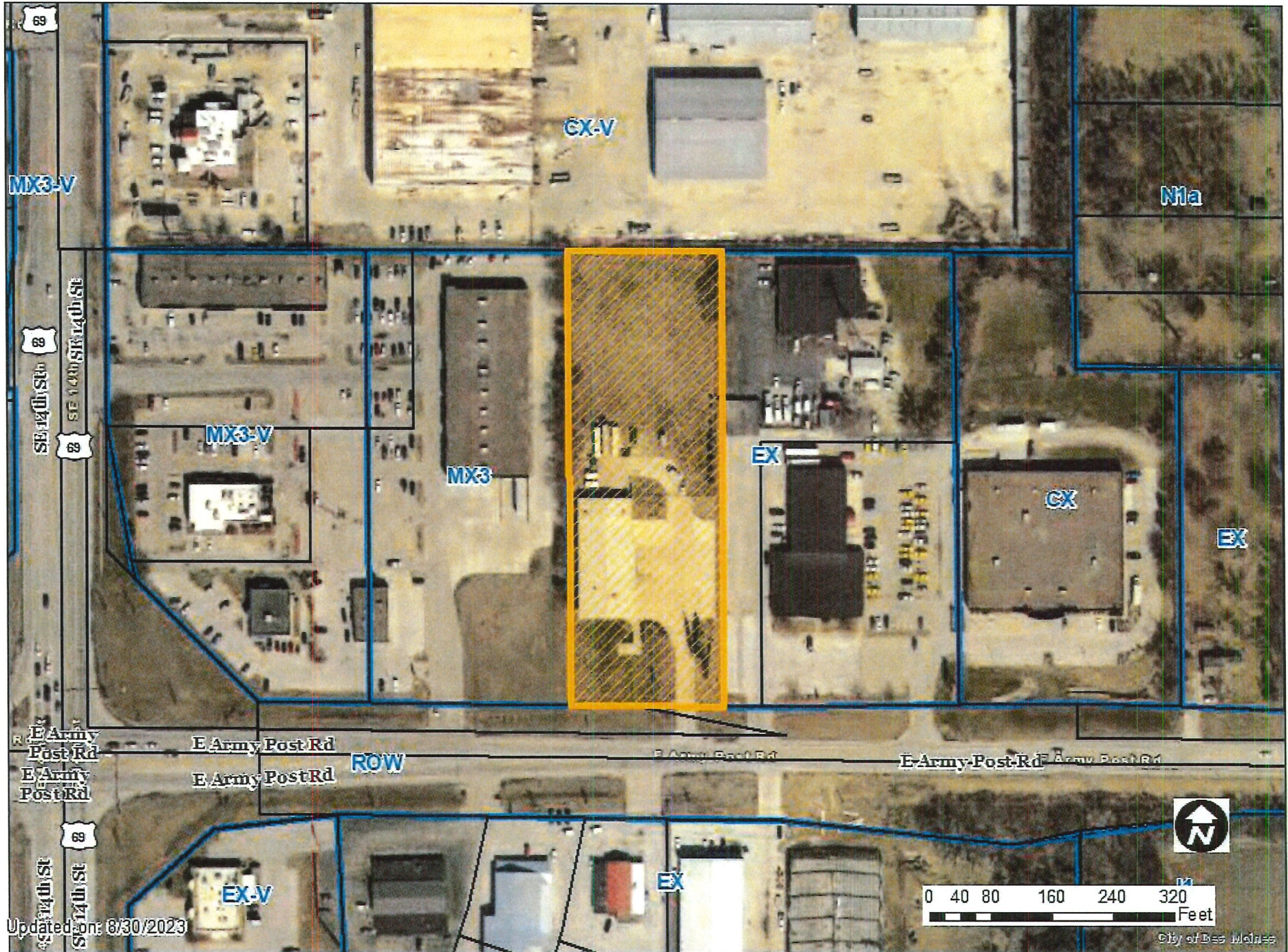


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



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Updated on: 8/30/2023

City of Des Moines



3968

Network: Sep 21, 2023 10:17:38 AM CDT

Local: Sep 21, 2023 10:17:36 AM CDT

41°31'34.171"N -93°35'38.322"W

1511 East Army Post Road

Des Moines

Polk County

Iowa



7/26/8

Network: Sep 21, 2023 10:17:59 AM CDT

Local: Sep 21, 2023 10:17:56 AM CDT

41°31'34.972"N -93°35'37.634"W

1511 East Army Post Road

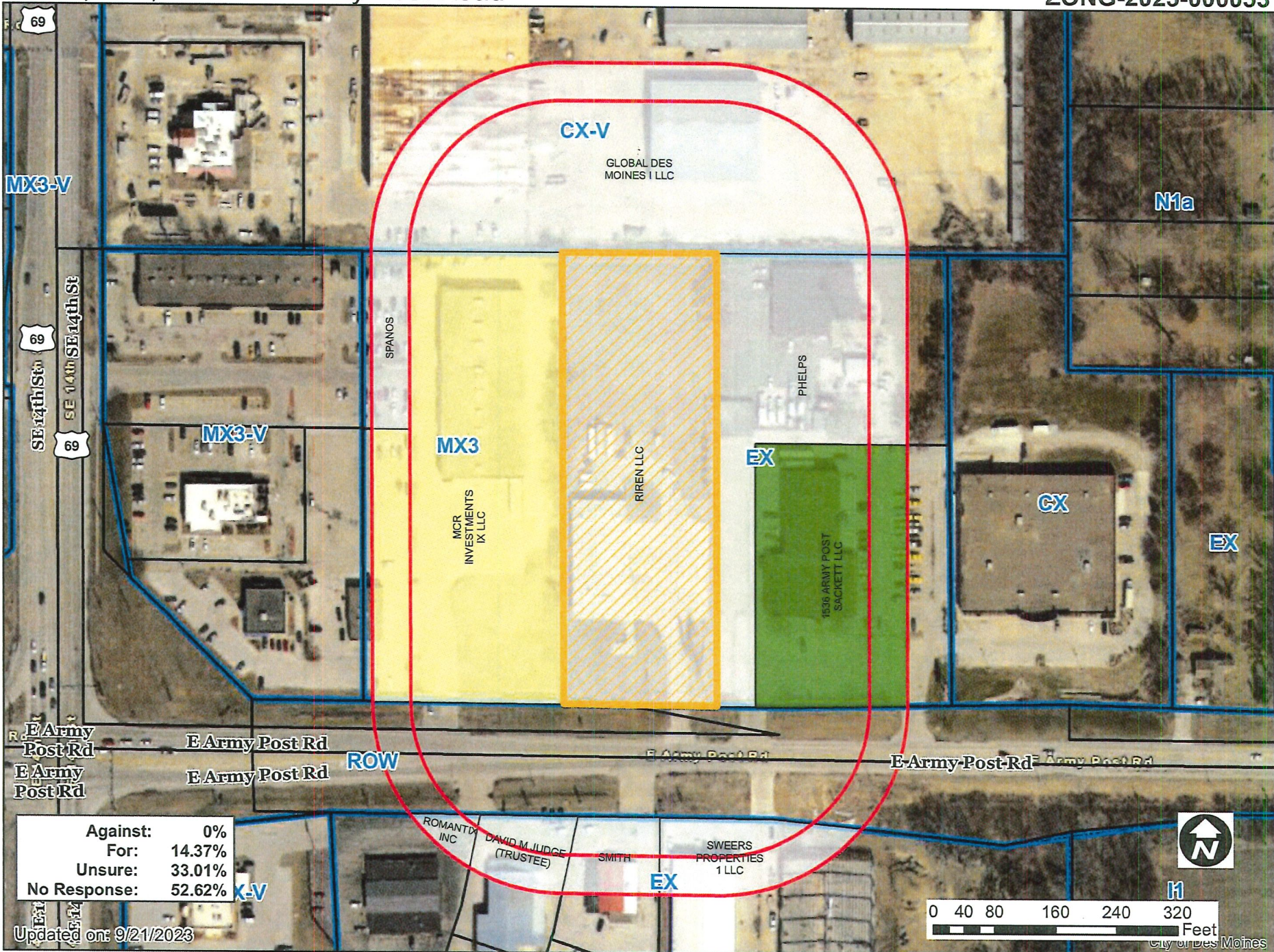
Des Moines

Polk County

Iowa

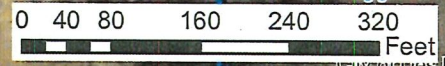






Against:	0%
For:	14.37%
Unsure:	33.01%
No Response:	52.62%

Updated on: 9/21/2023



Item: ZONG-2023-000053 Date: 9-13-2023 ~~3/108~~

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
SEP 18 2023

Titleholder Signature: Scott Johnson

Name/Business: TRANS-IOWA

Impacted Address: 1550 E ARMY Post Rd Des Moines IA 50320

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZONG-2023-000053 Date: \_\_\_\_\_

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
SEP 20 2023

Titleholder Signature: \_\_\_\_\_

Name/Business: MCB Investments IX LLC

Impacted Address: 6345 1/2 351 SE 14th St

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 11, 2023

Planning Staff, City of Des Moines  
NHMeeting@dmgov.org

Re: Neighborhood Meeting Summary for 1500 E. Army Post Road, Des Moines, Iowa, 50320

Michael Graham (developer, owner) completed the Neighborhood Meeting with the surrounding owners on Monday, September 11, 2023. It was held at the property mentioned above from 11:30 a.m. to 1:00 p.m.

The Notice of the Neighborhood Meeting was mailed on August 30, 2023, to all adjacent property owners. The owner/address list provided by the City of Des Moines.

Michael Graham (developer, owner) presented at the meeting. One property owner, Mr. Jim Ballard, did attend. His address is 4007 SE 26<sup>th</sup> Street. Mr. Ballard asked the reason for the rezoning to CX. Mr. Graham answered his questions and there was no opposition from Mr. Ballard for the rezoning.

Please accept this summary to fulfill the reporting requirements of my neighborhood meeting.

Sincerely,

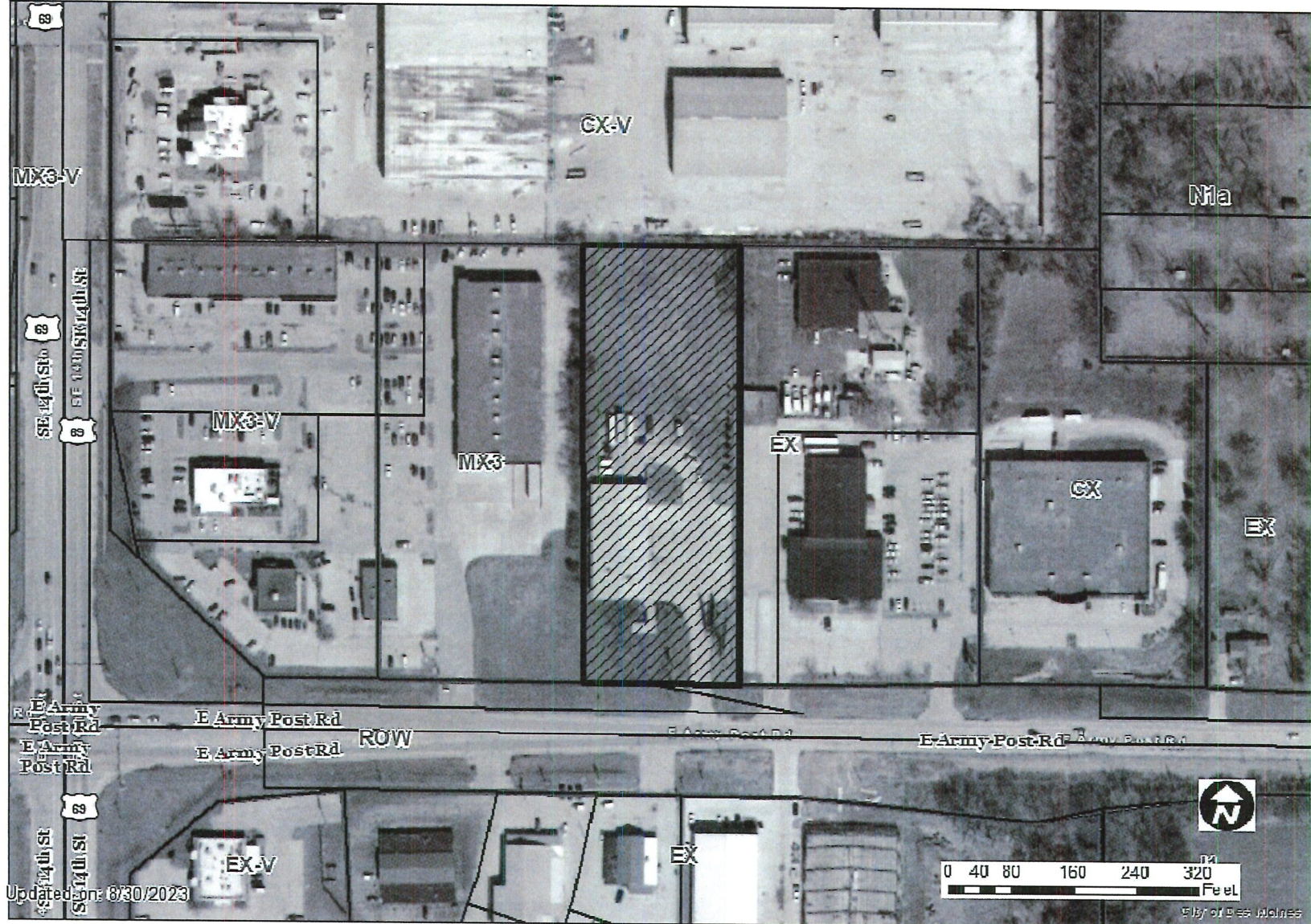


Michael Graham  
[mgraham@grahamcollision.com](mailto:mgraham@grahamcollision.com)  
515-208-3136

3468

Riren, LLC, 1500 East Army Post Road

ZONG-2023-000053



1 inch = 167 feet