



Date November 20, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LONE WOLF REALTY, LLC (OWNER), REPRESENTED BY RICHARD HURD (OFFICER), FOR PROPERTY LOCATED IN THE VICINITY OF 7900 SOUTHRIDGE BOULEVARD, TO REZONE THE PROPERTY FROM “MX3-V” MIXED USE DISTRICT TO “MX3” MIXED USE DISTRICT, TO ALLOW DEVELOPMENT THE DEVELOPMENT OF THE PROPERTY FOR AN AUTO DEALERSHIP THAT WOULD INCLUDE “VEHICLE SALES” AND “VEHICLE MAINTENANCE AND REPAIR, MINOR” USES WITHIN THE “VEHICLE SALES AND SERVICES” CATEGORY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lone Wolf Realty, LLC (owner), represented by Richard Hurd (officer), for property located in the vicinity of 7900 Southridge Boulevard (Geo Parcel # 7824-35-477-001), to rezone the property from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow the development of the property for an auto dealership that would include “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” uses within the “Vehicle Sales and Services” category, 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:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., POLK COUNTY, IOWA, LYING SOUTHWESTERLY OF HIGHWAY 65-69 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., THENCE N 0°-24'-11" E ALONG THE WEST LINE OF SAID EAST 1/2 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY .LINE OF IOWA HIGHWAY 65-69, 160 FEET LEFT OF HIGHWAY CENTERLINE, THENCE SOUTHEASTERLY TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1116+00, THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, TO A POINT 130 FEET LEFT OF HIGHWAY STATION 1107+33, LAST SAID LINE BEING AT ALL POINTS 130 FEET RADIALLY DISTANT FROM THE CENTERLINE OF SAID HIGHWAY AS SHOWN ON PROJECT NUMBER F-69-4(3)-20-77, THENCE SOUTHEASTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14099+75, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SAID ROAD STATION 14099+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14096+00, THENCE SOUTHWESTERLY TO A POINT 60 FEET LEFT OF SIDE ROAD STATION 14092+00, THENCE SOUTHWESTERLY TO A POINT 33 FEET LEFT OF SAID ROAD STATION 14091+00, THENCE S 0°-54'- 02" W 33.00 FEET TO THE SOUTH LINE OF SAID SECTION 35, THENCE N 89°-05'-58" W ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.; and



Roll Call Number

Agenda Item Number

43

Date November 20, 2023

WHEREAS, on November 6, 2023, by Roll Call No. 23-1541, 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 November 20, 2023, at 5:00 p.m., at the City Council Chambers; and

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 of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "MX3" Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

(NOTE –APPROVAL WILL REQUIRE SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS)

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000043)

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

Date November 20, 2023

Agenda Item 43

Roll Call # _____

October 31, 2023

Communication from the City Plan and Zoning Commission advising that at their October 19, 2023 meeting, the following action was taken regarding a request from Lone Wolf Realty, LLC (owner), represented by Richard Hurd (officer), to rezone the property located in the vicinity of 7900 Southridge Boulevard (Geo Parcel # 7824-35-477-001) from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow the development of the property for an auto dealership that would include “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” uses within the “Vehicle Sales and Services” category.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	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 “MX3-V” Mixed Use District to “MX3” Mixed Use District.

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 “MX3-V” Mixed Use District to “MX3” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

- 1. Purpose of Request:** The rezoning would allow the development of the property with for an auto dealership that would include “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” uses. A conceptual site sketch submitted with the rezoning application indicates a 43,205 square feet facility, including a sales/showroom area, administrative offices, and vehicle servicing areas.

Any future construction 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:** 7.82 acres.

- 3. Existing Zoning (site):** “MX3-V” Mixed-Use District, where the “-V” extension indicates that any use that includes a vehicle display lot is prohibited.

- 4. Existing Land Use (site):** The property contains undeveloped vacant land used for agricultural production. There is a row of mature trees along the southern boundary of the property adjoining the East County Line Road. A dry stream bed is located at the northwest corner of the property.

- 5. Adjacent Land Use and Zoning:**

North & East – “Meadowlands PUD”; Uses are Southridge Boulevard, a retail warehouse and parking lot and, multiple household residential.

South – “EX”, “EX-V”; Uses are East County Line Road, one-household residential, and agricultural production.

West – “N2b”; Uses are one family residential and open space.

- 6. General Neighborhood/Area Land Uses:** The subject property is a large undeveloped parcel located along the west side of Southridge Boulevard just north of East County Line Road. This area is near the interchange of State Highway 65 and State Highway 69. Light industrial and business park-oriented uses are proposed in the general vicinity. There is a mix of low density residential and higher intensity commercial uses along Southridge Boulevard to the north of East County Line Road.

- 7. Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of a designated neighborhood association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on September 29, 2023, and of the Final Agenda on October 13, 2023.

Additionally, separate notifications of the hearing for this specific item were mailed on September 29, 2023 (20 days prior to the public hearing) and October 9, 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 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 “MX3-V” 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.

For “X” zoning district locations labeled with a “-V” extension, such as the property’s current “MX3-V” District zoning, vehicle sales and rental display uses are prohibited pursuant to City Code Section 134-3.1.2.

Staff believes that the requested rezoning would be in conformance with the land use designation of Community Mixed Use. The proposed auto dealership use must be developed in full compliance with City Code requirements. Any development must be in accordance with an approved site plan and supplemental regulations pursuant to Section 134-3.5.19.E of the City Code. Staff believes that the proposed development would complement the existing character of the surrounding area, which is in the vicinity of the major State highways and an associated mix of highway-oriented uses.

2. **Vehicle Sales and Rentals:** Most properties with frontage along the Southeast 14th Street/Southridge Boulevard corridor have been assigned a zoning designation with a “-V” extension. This was done to discourage additional businesses involving vehicle display lots given the frequency of such businesses on the developed portions of the corridor. The proposed auto dealership business would be located more than a mile from any other vehicle display lot along the Southeast 14th Street/Southridge Boulevard corridor and would be developed in accordance with current City design regulations. The development would enhance the visual appearance of the land along a major transportation corridor into the urbanized area to the north.
3. **Supplemental Use Regulations:** The proposed auto repair and auto sales and display business would fall under the “Vehicle Sales” and “Vehicle Maintenance and Repair, Minor” use subcategories of the “Vehicle Sales and Service” use category. Per City Code Section 134-3.5.19, the proposed uses 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.
4. **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 would 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

Sreyoshi Chakraborty presented the staff report and recommendation.

Will Page asked if parking islands will include landscaping and if trees will be provided around the perimeter of the property.

Sreyoshi Chakraborty stated the applicant will be required to comply with the landscaping standards in chapter 135 of the city code.

Jason Van Essen noted landscaping requirements can be approved administratively, but any substantial waivers would likely come before the commission.

Chris Draper asked if the use would only be allowed under “MX3”.

Sreyoshi Chakraborty stated if the property remained “MX3-V”, the proposed vehicle display lot use would not be allowed.

Jason Van Essen stated under the retired zoning code, the city had an overlay district in this area that prohibited vehicle sales lots. When the new code was adopted, the city carried that over by creating the “-V” district. This rezoning would remove the prohibition of vehicle sales use.

Abby Chungath asked if there would be additional lighting requirements when a property is close to residential properties.

Jason Van Essen stated they will need to comply with the photometric standards in chapter 135 of the city code. Those standards vary and are based on the adjoining uses.

Johnny Alcivar asked what other factors were considered besides the distance from another vehicle sales lot.

Sreyoshi Chakraborty stated the “EX” and business park designations surrounding this property are complementary to the proposed use of this property. Also, with high quality development, it would serve as a welcoming and appropriate use along this corridor into Des Moines.

Jason Van Essen noted this is a large auto oriented use and the appropriate place for that would be near interstates and highway bypasses, which this site is located near.

Alecia Cederdahl, Whitfield and Eddy, PLC, 699 Walnut Street, Suite 2000 stated they are purposing a large new and use vehicle sales lot that would be consistent with the other Ken Garff Automotive locations. This development will not detract from the revitalization efforts along SE 14th Street and would be consistent with other light industrial and business park uses in the area. They plan to make this an attractive dealership; all landscaping and lighting concerns will be addressed during the site plan stage.

Chris Draper asked if the design shown tonight is in line with city ordinances or more conceptual.

Alecia Cederdahl stated at this point it would be conceptual but similar to the design they have in other locations around the Metro.

CHAIRPERSON OPENED THE PUBLIC HEARING

Mary Conrath, 2123 E. Countyline Rd. stated East Countyline Road is not paved and people drive fast. Expressed concern that accidents will occur with the 2 proposed entrance off East Countyline Road. Her family has lived across from this piece of land for 50 years and are opposed to this development.

Armond De Fino, 2011 E. Countyline Rd. stated why are the entrances aligned with the residential driveways. He does not want car lights shining through his window when people are pulling out of the lot. He would like them to provide trees around the development to shield wind from his property.

Alecia Cederdahl stated a traffic impact study was done in part of this application and they are actively discussing improvements to East Countyline Road with city staff.

Will Page asked if they could redesign the entrances, so they do not align with the residential driveways.

Alecia Cederdahl stated the design shown tonight is conceptual, the location of those entrances will be a product of the city's review process.

Jason Van Essen stated the City's traffic engineer staff do promote driveways lining up, so that cars opposite each other can see one another. This method reduces the likelihood of accidents.

Abby Chungath asked if there was a possibility of improvements to East Countyline Road by the applicant or the city.

Jason Van Essen stated this will be something looked at closely. The traffic study will dictate the conversation about what type of improvements are needed. It's also important because the DOT will not allow them to use Southridge Boulevard.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chris Draper stated he would be in favor of the rezoning with building location, driveway orientation and road quality along East Countyline Road being considered, ensuring the layout of the development is appropriate for this location.

COMMISSION ACTION:

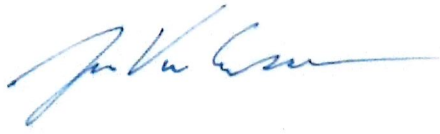
Chris Draper made a motion for:

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 "MX3-V" Mixed Use District to "MX3" Mixed Use District.

THE VOTE: 13-0

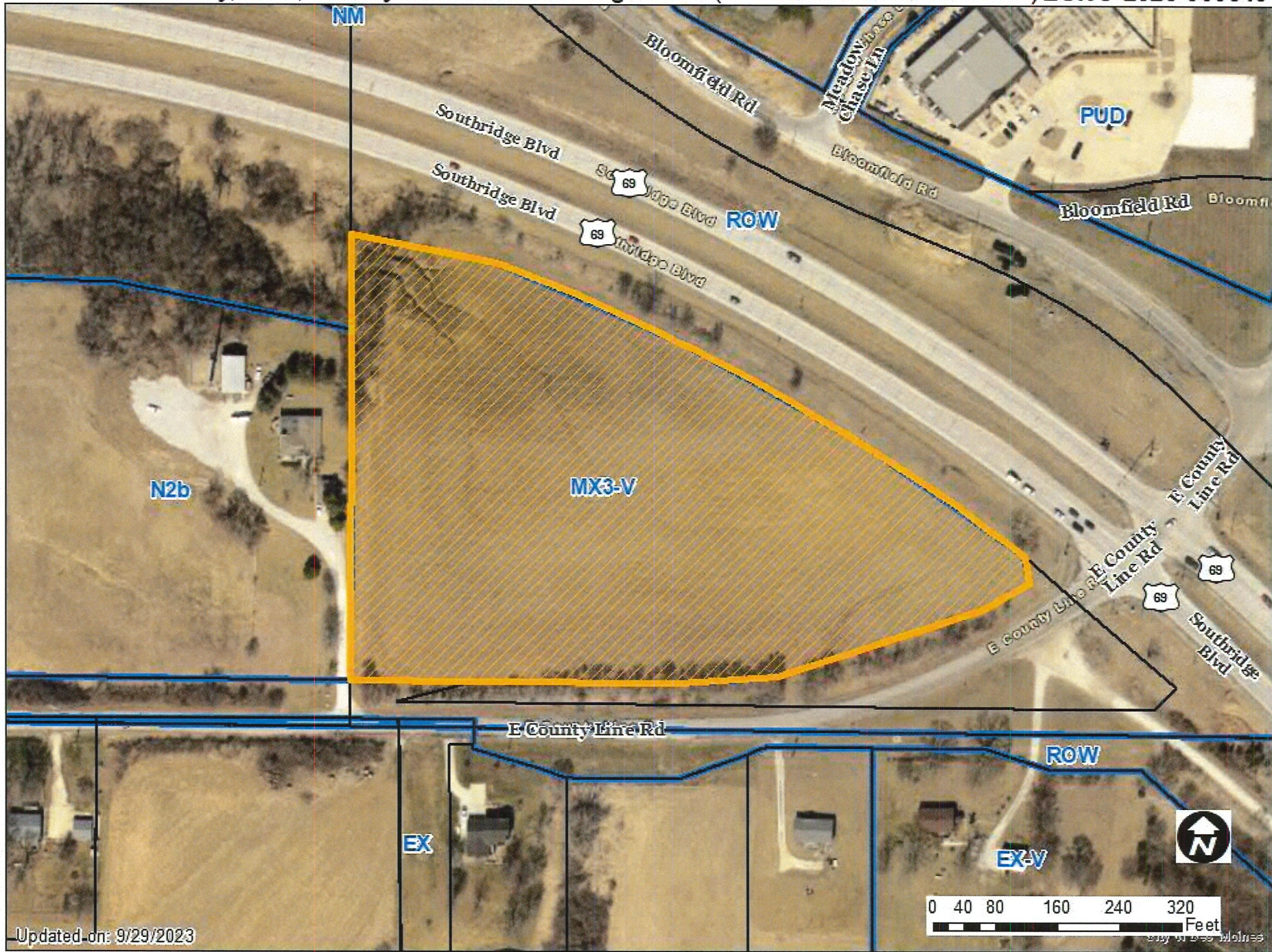
Respectfully submitted,

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

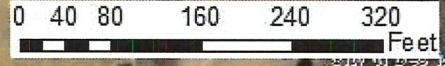
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Lone Wolf Realty, LLC, vicinity of 7900 Southridge Blvd (Parcel # 782435477001) ZONG-2023-000043



Updated on: 9/29/2023



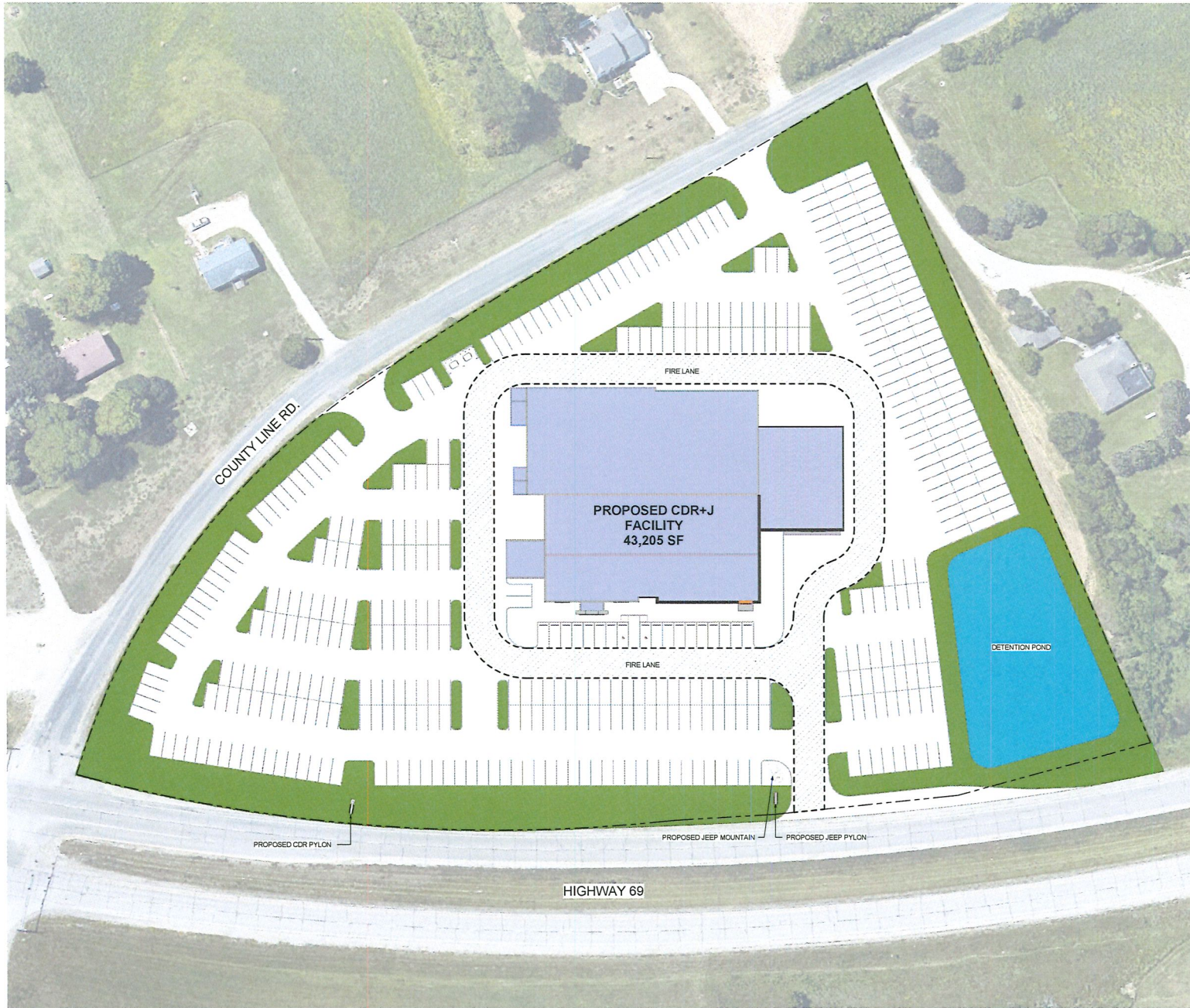
1 inch = 163 feet



Google

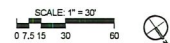


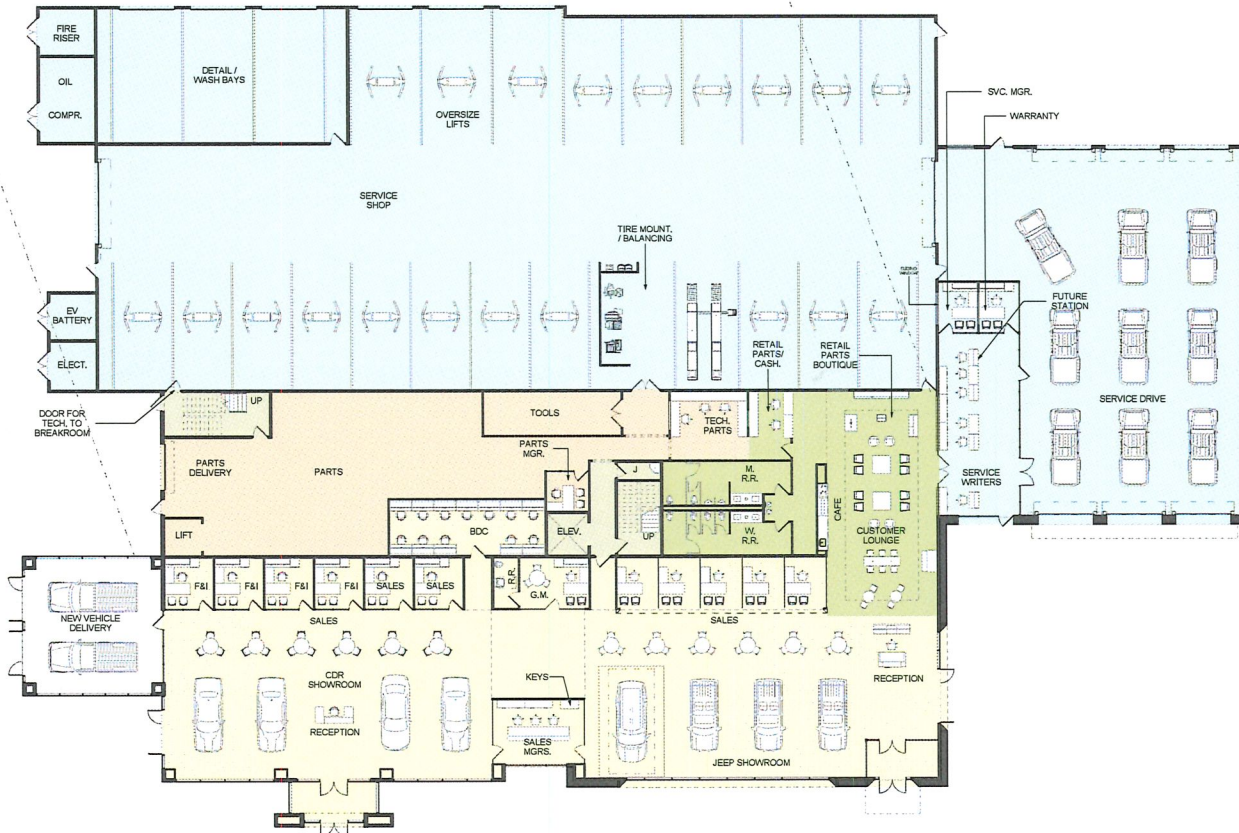
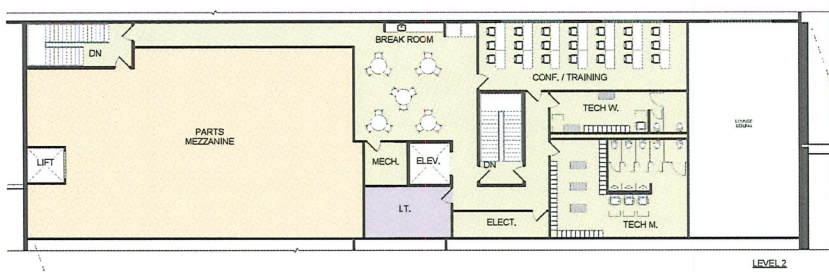




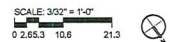
SITE DATA			PP: 1,043
PROGRAM TYPE	REQUIRED UNIT / AREA	PROPOSED UNIT / AREA	VARIANCE UNIT / AREA
BUILDING			
LEVEL 1 FOOTPRINT	N/A	36,630 SF	N/A
LEVEL 2 FOOTPRINT	N/A	6,555 SF	N/A
TOTAL BUILDING	30,903 SF	43,205 SF	+12,302 SF
SITE			
TOTAL PARKING	165 UNITS	449 UNITS	+284 UNITS
TOTAL LAND	TBD	*6.92 AC.	TBD

*SITE BOUNDARY PRELIMINARY, PENDING RECEIPT OF OFFICIAL SURVEY DATA



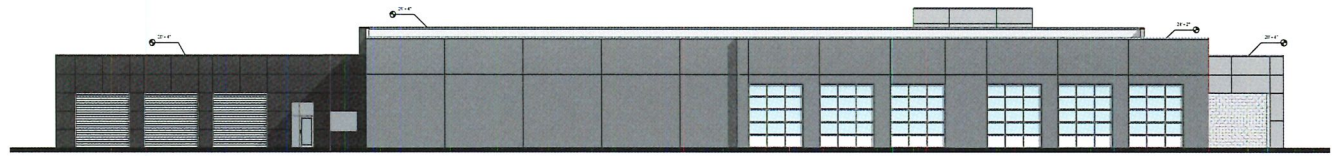


PROGRAMMING		PP:1,043	
PROGRAM TYPE	REQUIRED UNIT/AREA	PROPOSED UNIT/AREA	VARIANCE UNIT/AREA
SALES / SHOWROOM			
JEOP SALES	910 SF	910 SF	0 SF
JEOP SHOWROOM	4 CARS / 2,000 SF	3,506 SF	+1,506 SF
CDR SALES	910 SF	910 SF	0 SF
CDR SHOWROOM	4 CARS / 2,000 SF	3,506 SF	+1,506 SF
NEW VEHICLE DELIVERY	2 CARS / 1,000 SF	2 CARS / OUTDOOR	0 / OUTDOOR
	6,820 SF	8,832 SF	+2,012 SF
CUSTOMER CORE			
LOUNGE & RETAIL	1,780 SF	2,273 SF	+493 SF
	1,780 SF	2,273 SF	+493 SF
PARTS DEPARTMENT			
PARTS DEPARTMENT	3,445 SF	3,164 SF	-281 SF
PARTS MEZZANINE	2,297 SF	2,963 SF	+666 SF
	5,742 SF	6,127 SF	+385 SF
SERVICE DEPARTMENT			
SERVICE SHOP	22 STALLS / 14,388 SF	24 STALLS / 21,682 SF	+2 STALL / +7,177 SF
ADMIN. OFFICE			
ADMIN LEVEL 1	768 SF	0 SF	N/A
ADMIN LEVEL 2	N/A	220 SF	N/A
	768 SF	220 SF	-548 SF
SUPPORT & EMPLOYEE			
SUPPORT LEVEL 1	1,405 SF	699 SF	N/A
SUPPORT LEVEL 2	N/A	3,372 SF	N/A
	1,405 SF	4,071 SF	+2,666 SF
TOTAL LEVEL 1			
	28,608 SF	36,650 SF	+8,044 SF
TOTAL LEVEL 2			
	2,297 SF	6,555 SF	+4,258 SF
GRAND TOTAL:			
	30,903 SF	43,205 SF	+12,302 SF

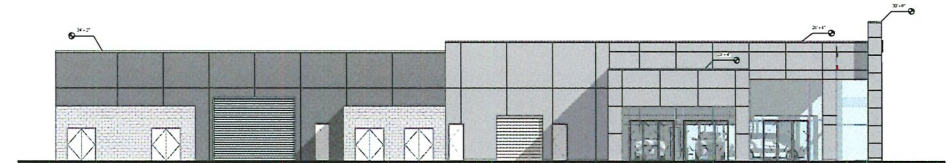




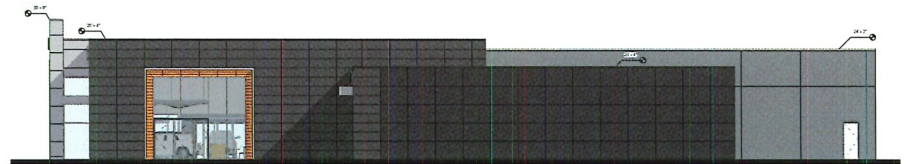
1 PROPOSED ELEVATION - FRONT
3/32" = 1'-0"



2 PROPOSED ELEVATION - REAR
3/32" = 1'-0"

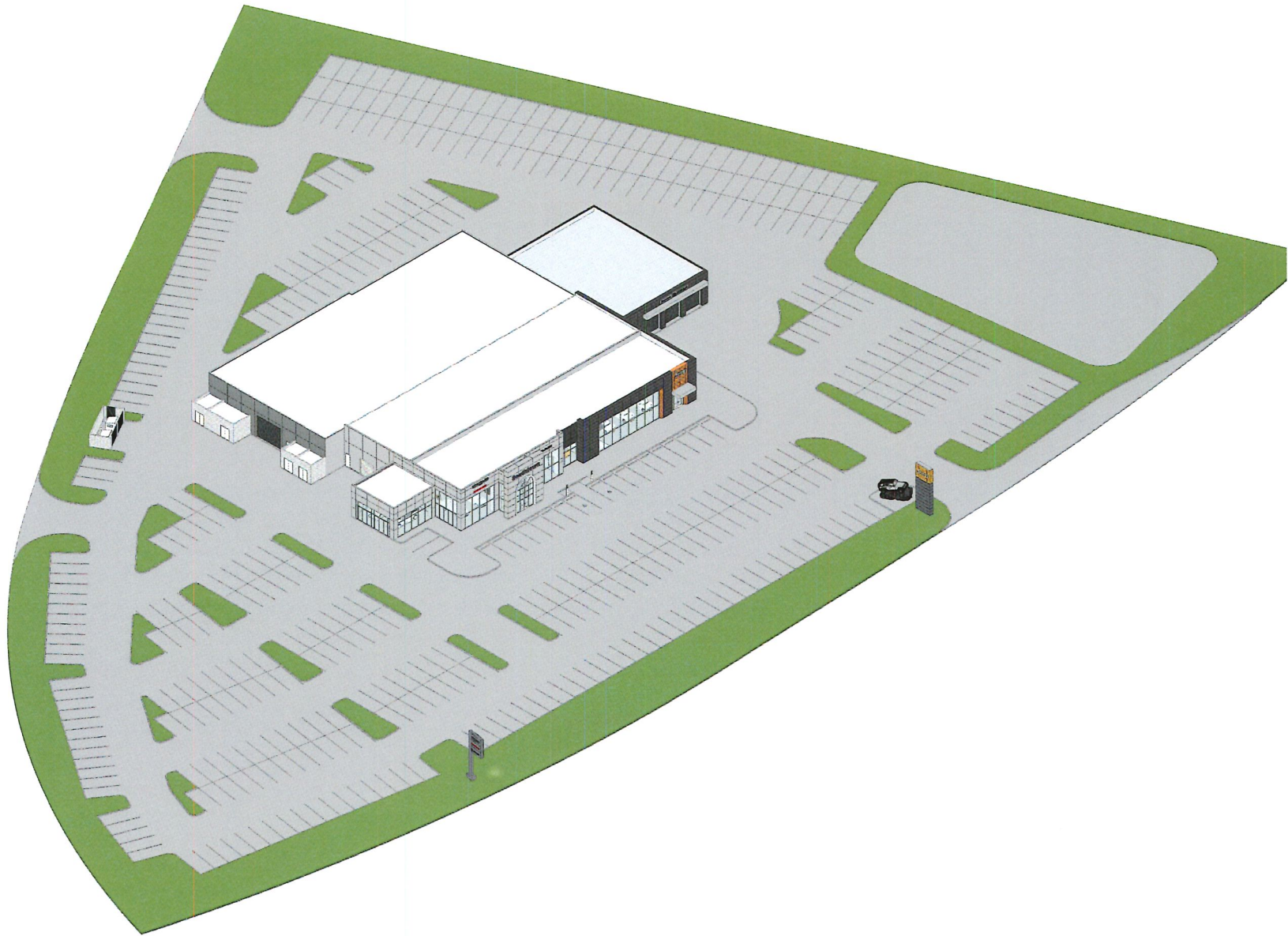


3 PROPOSED ELEVATION - LEFT
3/32" = 1'-0"



4 PROPOSED ELEVATION - RIGHT
3/32" = 1'-0"

SCALE: 3/32" = 1'-0"
0 2.65.3 10.6 21.3



Item: ZONG-2023-000043 Date:

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 OCT 16 2023

Titleholder Signature: [Signature]

Name/Business: Lone Wolf Realty, LLC

Impacted Address: Subject

Comments: _____

Item: ZONG-2023-000043 Date: 10-13-23

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 OCT 16 2023

Titleholder Signature: Mary Conrath

Name/Business: _____

Impacted Address: 2123-E. County Line Rd.

Comments: We don't need it there.
There is one in Indiana & all kinds
on east 14th.

Item: ZONG-2023-000043

Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 16 2023

Titleholder Signature: _____

Larry Conrath

Name/Business: _____

Impacted Address: _____

3123-E. Countyline Rd.

Comments: _____

Item: ZONG-2023-000043

Date: 10.19.23

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 23 2023

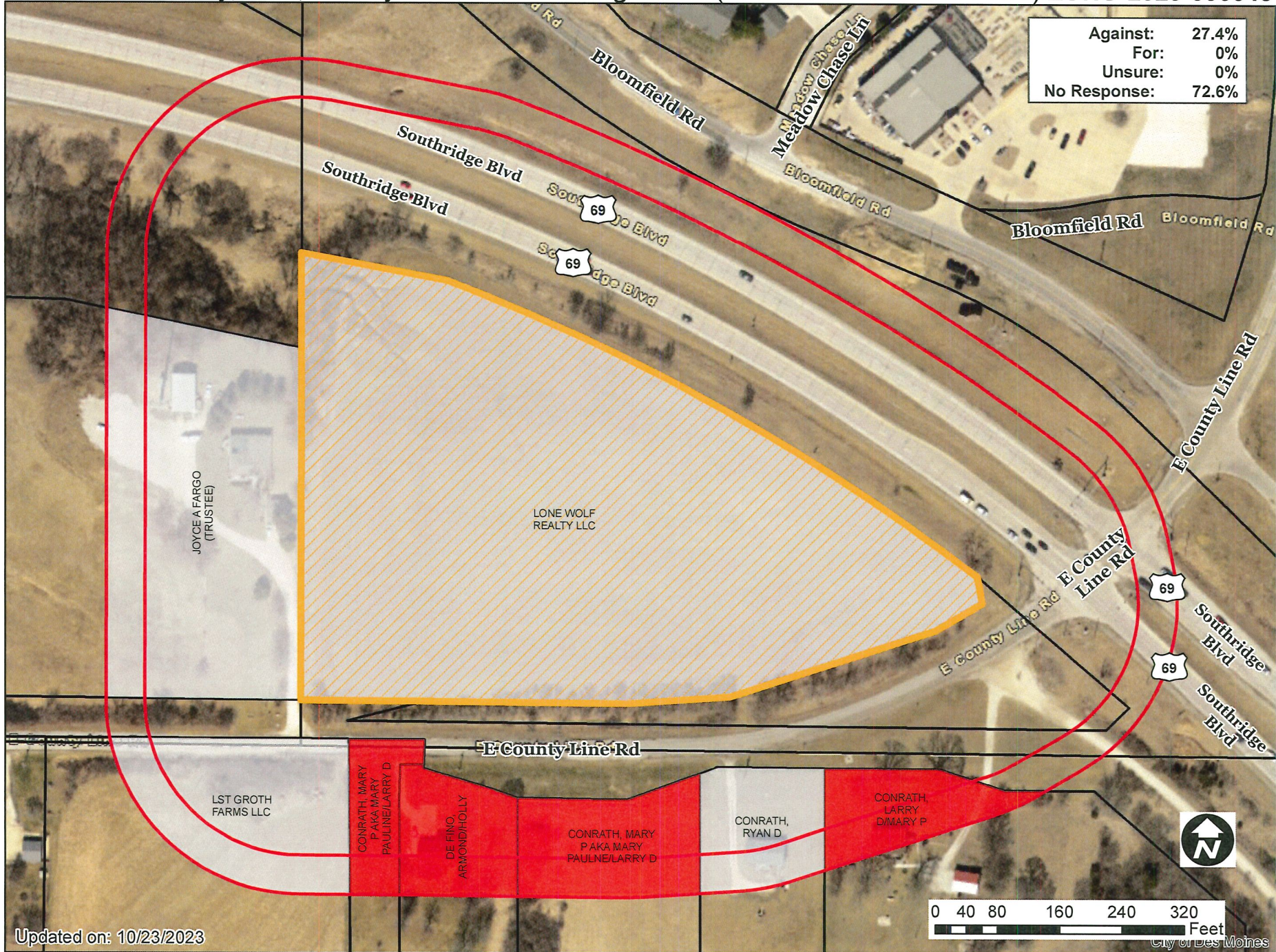
Titleholder Signature: [Signature]

Name/Business: Armond & Holly DeFino

Impacted Address: 2011 E County Line Rd. DSM 50326

Comments: _____

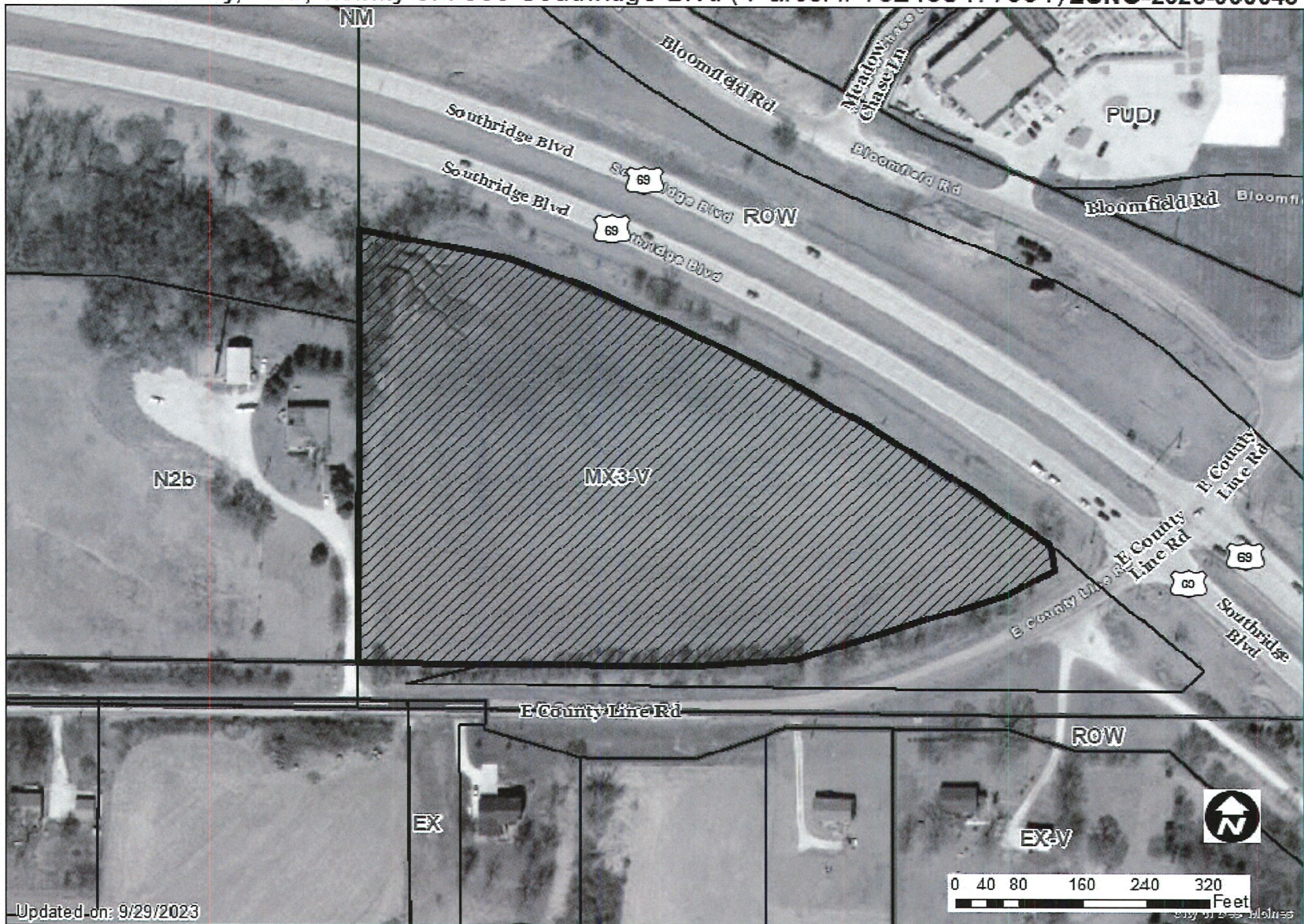
Lone Wolf Realty, LLC, vicinity of 7900 Southridge Blvd (Parcel # 782435477001) ZONG-2023-000043



Updated on: 10/23/2023

1 inch = 163 feet

Lone Wolf Realty, LLC, vicinity of 7900 Southridge Blvd (Parcel # 782435477001) ZONG-2023-000043



1 inch = 163 feet