

Date March 4, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JUAN’S AUTO REPAIR, LLC (OWNER), REPRESENTED BY JUAN LOPEZ (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1660 EAST ARMY POST ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), 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 within a Regional Node; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park within a Regional Node to Community Mixed Use within a Regional Node; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), to rezone the Property from “EX” Mixed Use District to “CX” Mixed-Use District to allow construction of a new auto body repair shop; and

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

**LOT 3 (EXCEPT THE NORTH 130 FEET AND EXCEPT THE SOUTH 41.4 FEET ON THE WEST LINE AND THE SOUTH 37.8 FEET ON THE EAST LINE) IN NEW HOPE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on February 5, 2024, by Roll Call No. 24-0181, 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 February 19, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on February 19, 2024, by Roll Call No. 24-0271, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be opened and continued for hearing on March 4, 2024, at 5:00 p.m., at the City Council Chambers; 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.



**Roll Call Number**

**Agenda Item Number**

50

**Date** March 4, 2024

**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 within a Regional Node to Community Mixed Use within a Regional Node 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 construction of a new auto body repair 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-2023-000062) (COMP-2023-000046)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
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

January 18, 2024

Communication from the City Plan and Zoning Commission advising that at their January 18, 2024 meeting, the following action was taken regarding a request from Juan's Auto Repair, LLC (owner), represented by Juan Lopez (officer), for the following regarding property located at 1660 East Army Post Road:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Business Park within a Regional Node to Community Mixed Use within a Regional Node
- C) Rezone the property from "EX" Mixed Use District to "CX" Mixed Use District, to allow the construction of a new auto body repair shop

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi					X
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	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** Part A) The requested rezoning to “CX” Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates this property as Business Park within a Regional Node.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Business Park within a Regional Node to Community Mixed Use within a Regional Node

Part C) Approval of the request to rezone the property from “EX” Mixed Use District to “CX” Mixed-Use District

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested “DXR” District be found not in conformance with PlanDSM Creating Our Tomorrow Comprehensive Plan future land use classification of Public / Semi Public.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from “P2” Public, Civic, and Institutional District to “DXR” Downtown Mixed-Use District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant is proposing to construct a new building to be used for an auto body repair shop.
- 2. Size of Site:** 48,874 square feet (1.1 acres)
- 3. Existing Zoning (site):** “EX” Mixed Use District.
- 4. Existing Land Use (site):** The subject property is undeveloped.
- 5. Adjacent Land Use and Zoning:**
  - North** – “N1a”; Uses are one-household residential.
  - South** – “EX”; Uses are commercial, industrial, and agricultural.
  - East** – “EX” & “N1a”; Uses are one-household residential, commercial, and **retail**.
  - West** – “EX” & “CX”; Uses are one-household residential, commercial, and retail.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the intersection of East Army Post Road and Southeast 16th Court. The surrounding area is a mix of commercial, one-household residential, and agricultural uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Easter Lake Area Neighborhood Association (ELANA). All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on December 29, 2023, and of the Final Agenda on January 12, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on December 29, 2023 (20 days prior to the public hearing) and January 8, 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 Easter Lake Area Neighborhood Association (ELANA) mailings were sent to Jim Bollard. The applicant can 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 with Regional 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. **PlanDSM: Creating Our Tomorrow:** The applicant is requesting that the future land use designation of the property be amended from "Business Park" to "Community Mixed Use". PlanDSM describes these designations 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, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.*

*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 customer.*

*Regional Node: The largest node, regional nodes are concentrations of employment, retail, and housing and may include light industrial uses. They serve the widest geographical area and attract people from throughout the City and region. High density residential development is appropriate at regional nodes.*

*The subject property is currently zoned "CX" Mixed Use District which the Zoning Ordinance describes as, "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."*

*The applicant is proposing to rezone the property to the "EX" Mixed-Use District which the Zoning Ordinance describes as, "intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices."*

*Staff believes that the subject site would be an appropriate location for an auto body repair shop given the site's location within a Regional Node near a high-capacity roadway (Southeast 14th Street). The character of the surrounding location consists of commercial and light industrial uses similar to the use being proposed.*

- 2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review and approval before the property can be 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 approval on the following:

Part A) The requested rezoning to "CX" Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates this property as Business Park within a Regional Node.

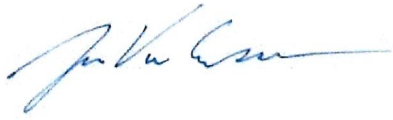
Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Business Park within a Regional Node to Community Mixed Use within a Regional Node

Part C) Approval of the request to rezone the property from "EX" Mixed Use District to "CX" Mixed-Use District

## **THE VOTE: 12-0**

~~24-0271~~  
50

Respectfully submitted,



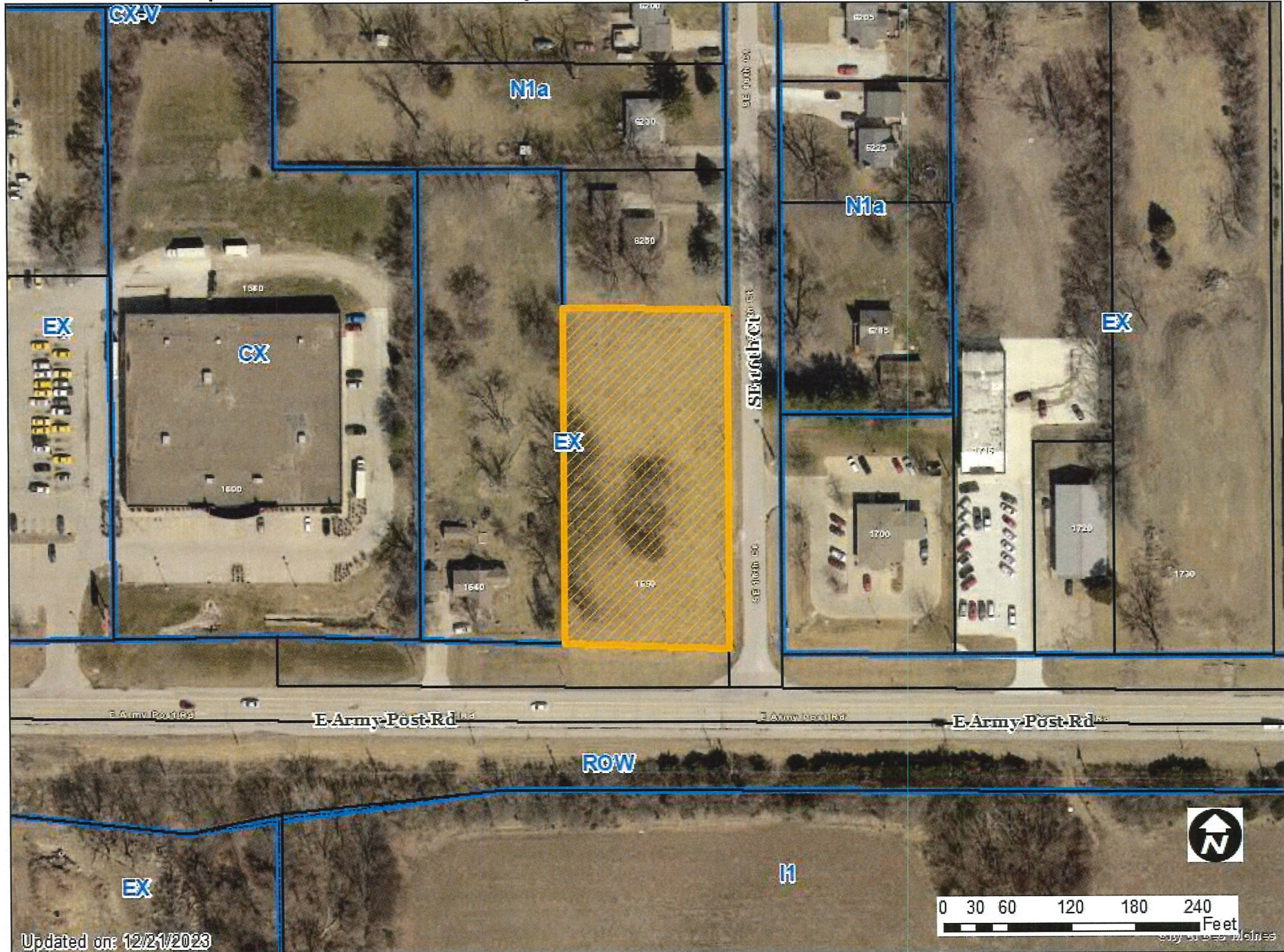
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:mrw

24-0271 43  
50

# Juan's Auto Repair, LLC, 1660 East Army Post

COMP-2023-000046



Updated on: 12/21/2023

1 inch = 120 feet

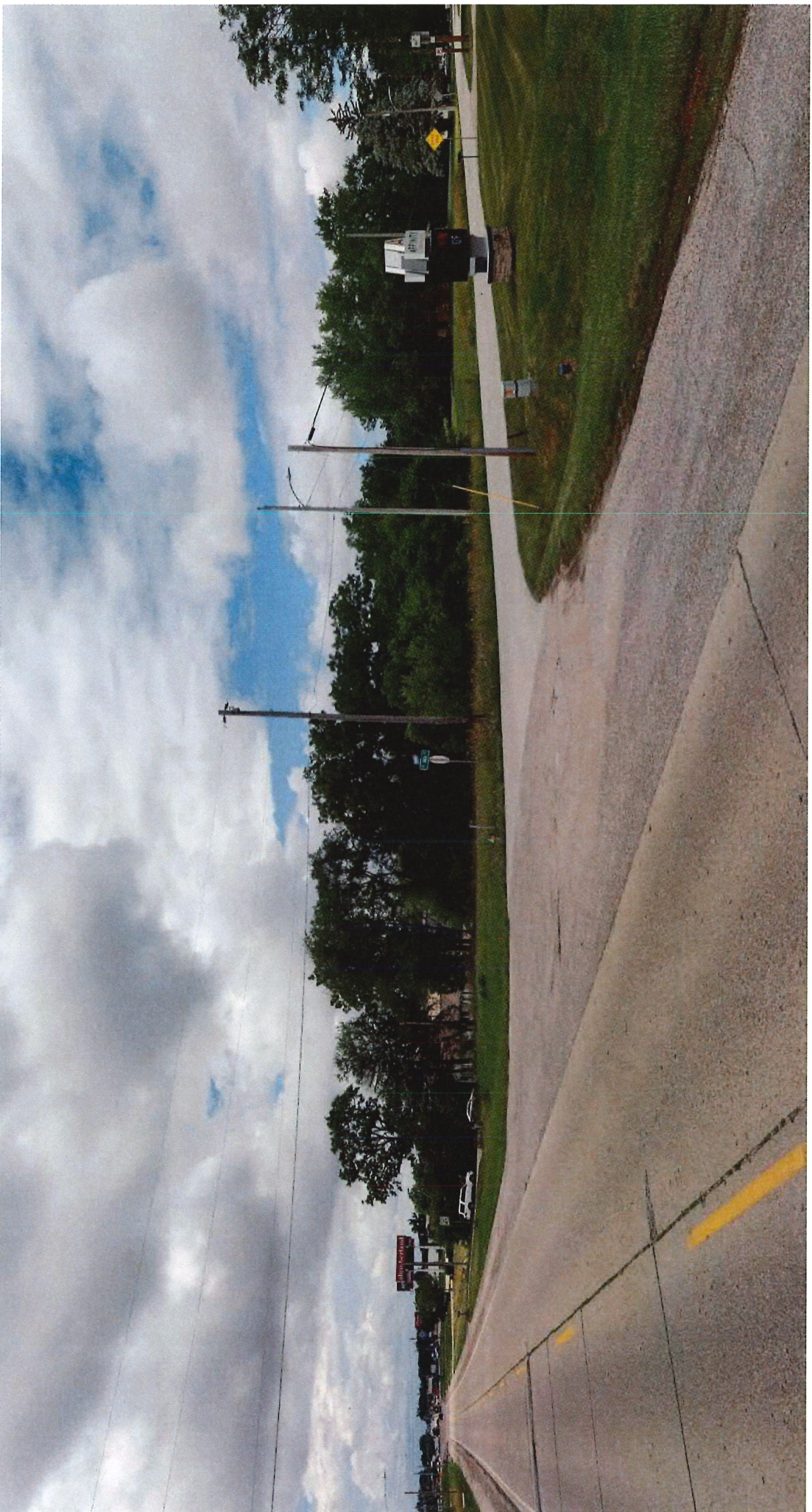


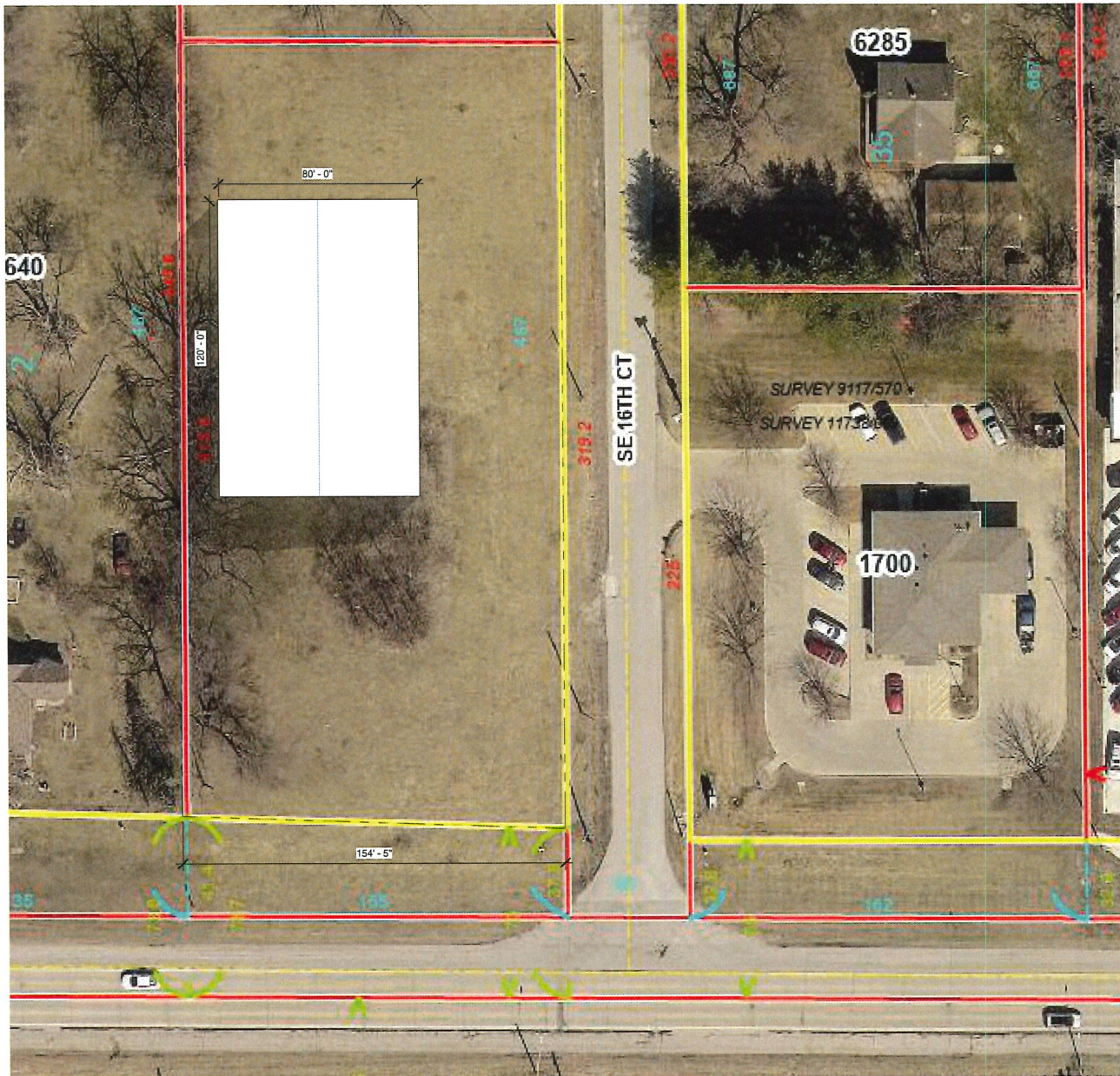


Updated on: 12/21/2023

1 inch = 120 feet







① Level 1  
1" = 30'-0"

Date	Description	Revision Number

Do not scale the drawings, verify all dimensions before commencing any work. This drawing and design herein shall remain the property of the Architects and is not to be copied or reproduced without their written permission.



Address 520 39th St  
Address Des Moines IA 50312  
Phone 515 720 4540  
Fax  
e-mail iowa80builders@gmail.com

Owner Name Juan Body Shop  
Address 1601 E Army Post Des Moines IA  
Phone  
e-mail

Project Name  
AG Storage

Site  
Site

Checked by Daniel Flores  
Date 1" = 30'-0"  
Scale @ Sheet Size Arch C

Project Number  
Job No.

A101

Revisions

Notes

Consultants

Owner

Project

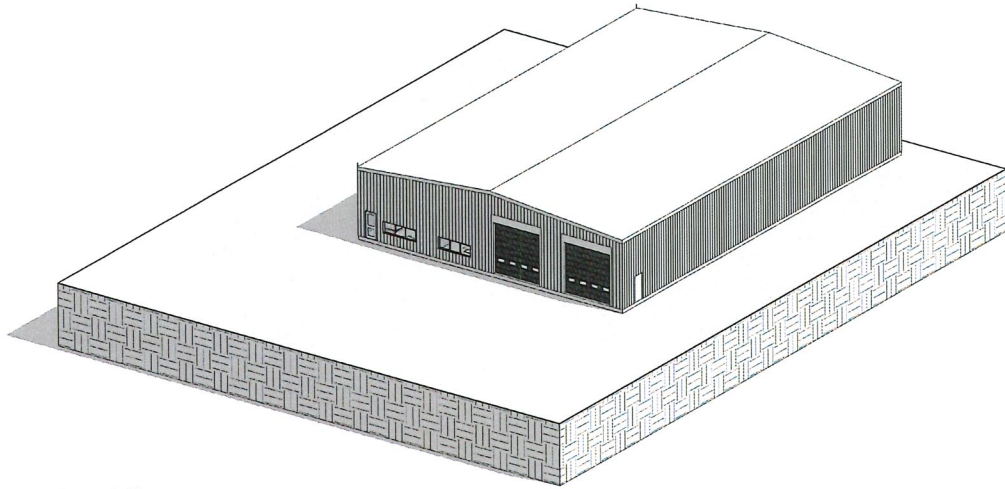
Sheet Title

Drawn by

Scale

Job No.

Dwg.No.



① Isometric View



8/24/2023 12:32:41 AM

Date	Description	Revision Number

Revisions

Do not scale the drawings. Vary all dimensions before commencing any work. This drawing and design herein shall remain the property of the Architects and is not to be copied or reproduced without their written permission.

Notes



Address: 520 35th St  
 Address: Des Moines IA 50312  
 Phone: 515 720 4540  
 Fax:  
 e-mail: iowa80builders@gmail.com

Consultants

Owner Name: Juan Body Shop  
 Address: 1601 E Army Post Des Moines IA  
 Phone:  
 e-mail:

Owner

Project Name  
 AG Storage

Project

Renders  
 Renders

Sheet Title

Checked by	Date
Daniel Flores	

Drawn by

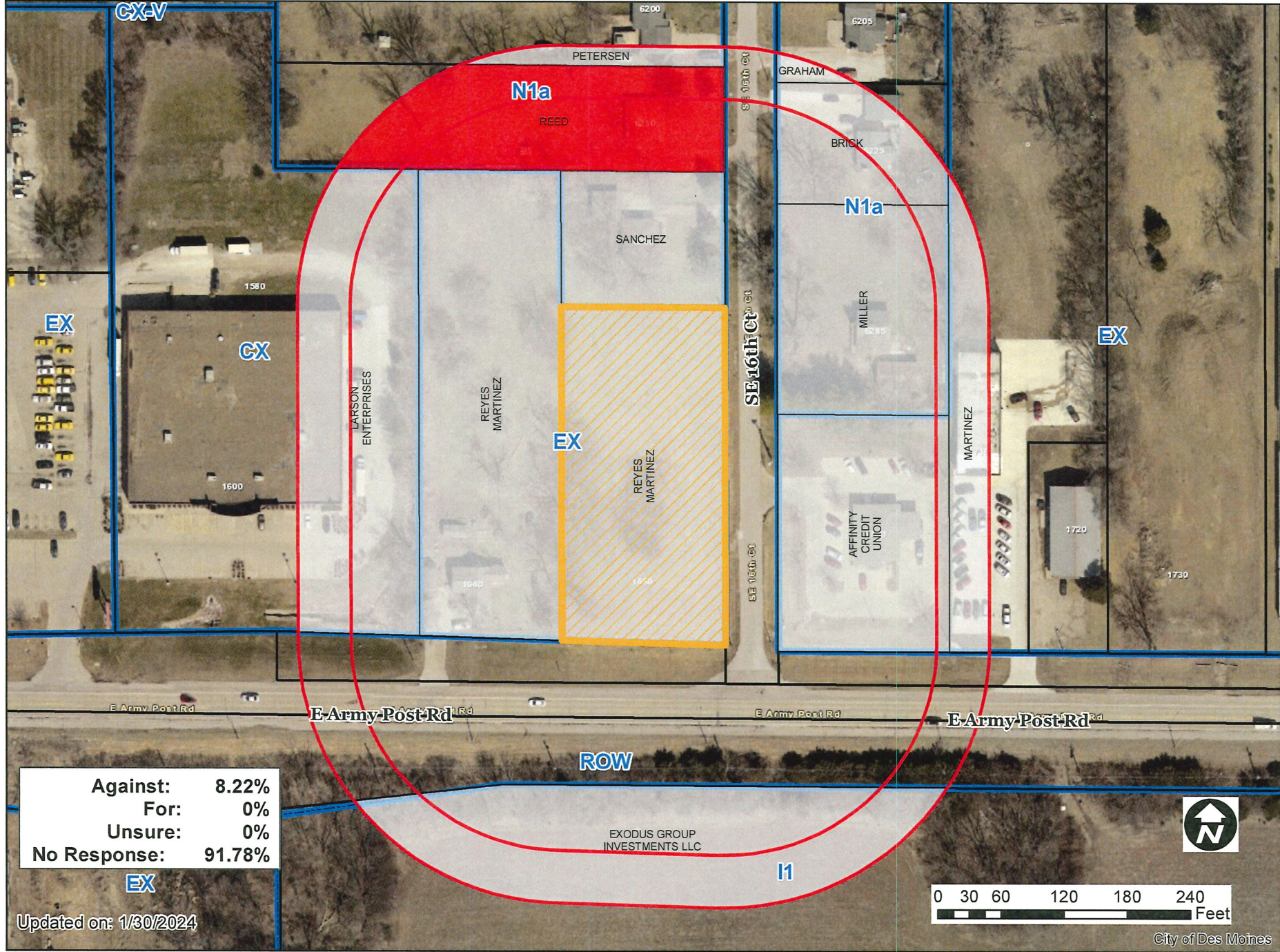
Scale

Project Number

Job No.

A105

Dwg.No.



Against:	8.22%
For:	0%
Unsure:	0%
No Response:	91.78%

EX  
Updated on: 1/30/2024

~~24-0271~~ 43  
50

Item: ZONG-2023-000062

Date: 1-15-24

Please mark one of the following:

Staff Use Only  
  
JAN 22 2024

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

Titleholder Signature: Jina Reed

Name/Business: Jina Reed

Impacted Address: 6230 SE 16th Crt. Dsm IA 50320

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