

## COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	<b>22-278</b>	Meeting:	<b>June 13, 2022</b>
	Agenda Item:	<b>75</b>	Roll Call:	<b>22-956</b>
	Submitted by:	<b>Erin Olson-Douglas, Development Services Department Director</b>		

### AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting a Use Variance to allow use of the property at 1022 Army Post Road for a limited “Vehicle Maintenance/Repair, Minor” use in a “RX1” Mixed Use District.

### SYNOPSIS:

Staff recommends that the Council decline to remand the decision granting a Use Variance to allow use of the property at 1022 Army Post Road for a limited “Vehicle Maintenance/Repair, Minor” use in a “RX1” Mixed Use District.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- On March 17, 2022, the Planning and Zoning Commission recommended approval of the proposed rezoning from “RX1” Mixed-Use District to “MX3” Mixed-Use District, to allow conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use.
- On April 18, 2022, by Roll Call No. 22-0628, the City Council denied the request to rezone the property from "RX1" Mixed Use District to Limited "MX3" Mixed Use District, to allow the conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use.
- On May 25, 2022, the Board of Adjustment conditionally granted a Use Variance to allow a limited “Vehicle Maintenance/Repair, Minor” use in a “RX1” Mixed Use District.
- The Board of Adjustment’s Decision & Order includes multiple conditions to ensure that the impacts of any "Vehicle Maintenance/Repair, Minor" use are minimal.
- The subject property measures 7,160 square feet in area and is located along the south side of Army Post Road in between Southwest 10th and Southwest 11th Streets. It is located within 250 feet of the Watrous South Neighborhood.
- The business is operated by Kennedy Kustoms, LLC, represented by Allan Kennedy, 1022 Army Post Road, Des Moines, IA 50315.

- The property is currently owned by Getsy III, John, represented by John Getsy, III, 157 Weybridge Drive, Malvern, PA 19355.
- Pursuant to City Code Section 134-6.7.8.D, the City Council shall review the Board's decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council's action (June 13, 2022).

**PREVIOUS COUNCIL ACTION(S):**

Date: April 18, 2022

Roll Call Number: [22-0628](#)

Action: [On](#) request from John A. Getsy III (Owner) to rezone property located at 1022 Army Post Road from "RX1" Mixed-Use District to Limited "MX3" Mixed-Use District, to allow conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use. Moved by Mandelbaum to DENY. Second by Gatto. Motion Carried 6-1. Pass: Sheumaker.

**BOARD/COMMISSION ACTION(S):**

Board: Zoning Board of Adjustment

Date: May 25, 2022

Resolution Number: ZBOA-2022-000034

Action: Voted 7-0 to conditionally grant a Use Variance to allow use of the property at 1022 Army Post Road for a limited "Vehicle Maintenance/Repair, Minor" use in a "RX1" Mixed Use District.

Board: Plan & Zoning Commission

Date: March 17, 2022

Resolution Number: ZONG-2022-000017

Action: Voted 10-0 to recommend: Part A) Approval of the determination that the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed-Use.

Part B) Approval of the proposed rezoning from "RX1" Mixed-Use District to "MX3" Mixed-Use District, to allow conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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