



Roll Call Number

20-0141

Agenda Item Number

16

Date January 27, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM JEFF AND TONYA NICHOLSON D/B/A P&P SMALL ENGINES TO AMEND PLAN THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND REZONE PROPERTY LOCATED AT 905 AND 909 EAST 27TH STREET AND 916 AND 917 EAST 27TH COURT

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2020, the City Plan and Zoning Commission voted 13-0 in support of a motion to recommend **APPROVAL** of a request by Jeff and Tonya Nicholson, doing business as (d/b/a) P&P Small Engines (owner), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 905 East 27th Street, from Low Density Residential to Community Mixed Use, to allow for rezoning to Limited MX3 Mixed Use District and bring existing properties used for a small engine sales and service business into conformance with zoning regulations; and

WHEREAS, the City Plan and Zoning Commission further has advised that at a public hearing held on January 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Jeff and Tonya Nicholson, d/b/a P&P Small Engines, to rezone real properties located at 905 and 909 East 27th Street and 916 and 917 East 27th Court (collectively "Property") from N3c Neighborhood District to Limited MX3 Mixed Use District, to bring the Property into conformance with zoning regulations, subject to the following conditions:

1. Any expansion of the existing business, or any future development upon the Property, shall be in accordance with a Site Plan as approved by the City's Permit and Development Center; and
2. Any outdoor storage on that portion of the Property known as 909 East 27th Street (Lot 5 of Block 3 of Farwell Place) shall comply with the Variance granted by the Zoning Board of Adjustment on November 28, 2012 by Docket ZON2012-00130; and

WHEREAS, the Property is legally described as follows:

LOT 5 (EXCEPT THAT PART THEREOF DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTHERLY ON THE WEST LINE OF LOTS 5 TO THE NORTHWEST CORNER THEREOF; THENCE EASTERLY 5 FEET ON THE NORTH LINE OF SAID LOT 5; THENCE SOUTHWESTERLY TO THE POINT OF BEGINNING) AND LOTS 6, 27 AND 28 IN BLOCK 3, AND LOT 3 IN BLOCK 4, ALL IN FARWELL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.



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2. That the meeting of the City Council at which the proposed amendment to PlanDSM: Creating Our Tomorrow future land use designation and the proposed rezoning are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on February 10, 2020, at which time the City Council will hear both those who oppose and those who favor the proposal.

3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2019-4.26)
(ZON2019-00238)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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.

J. M. Franklin Mayor

P. Kay Cmelik City Clerk