

★ Roll Call Number

20-151D

Agenda Item Number

76

Date September 14, 2020

RESOLUTION CONTINUING HEARING ON REQUEST FROM McFADDEN HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT 1537 ARMY POST ROAD

WHEREAS, on August 17, 2020, by Roll Call No. 20-1324, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from McFadden Holdings, LLC (owner), represented by Steven McFadden (officer), to rezone the real property locally known as 1537 Army Post Road ("Property") from RX1 Mixed Use District to Limited MX3 Mixed Use District, to allow the existing building to be used for a vehicle cleaning and detailing business, subject to the following condition:

- 1. Any use of the Property shall be limited to Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, or any use permitted by right or by Conditional Use as allowed and regulated in the RX1 Mixed Use District; and

WHEREAS, on August 17, 2020, by Roll Call No. 20-1324, it was duly resolved by the City Council that the application from McFadden Holdings, LLC to rezone the Property be set down for hearing on September 14, 2020 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community; 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 proposed amendment to the Zoning Ordinance; and

WHEREAS, additional time is needed to obtain the Acceptance of Zoning Conditions from McFadden Holdings, LLC, and a continuation of the hearing is recommended.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on rezoning of the Property to Limited MX3 Mixed Use District is hereby opened and continued to 5:00 p.m. on October 5, 2020, to be held by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

MOVED BY Mandelbaum TO ADOPT.

(ZON2020-00081)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

MOTION CARRIED

APPROVED

Signature of J. M. Franklin Cownie, Mayor

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.

Signature of P. Kay Cmelik

City Clerk