



Roll Call Number

20-1866

Agenda Item Number

16

Date November 23, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM TIGER KNIGHT, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1210 AND 1220 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 5, 2020, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Tiger Knight, LLC (owner), represented by Barry Nelson (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for the southern portion of real property locally known as 1210 and 1220 Army Post Road (collectively "Property") from Low Density Residential within a Community Node to Community Mixed Use within a Community Node, to allow rezoning to Limited MX3 Mixed Use District and use of the existing commercial building for a greater variety of permitted mixed uses such as retention of a lawncare business in operation on the Property; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 5, 2020, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Tiger Knight, LLC to rezone the entirety of the Property from RX1 Neighborhood Mix District to Limited MX3 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor.
 - h. Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.
2. Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
3. No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center; and

WHEREAS, the Property is legally described as follows:

LOTS 1, 2, 3, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK "H" PAGE 16 AT THE POLK COUNTY RECORDER'S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3 AND 392 AND FURTHER

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EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, ALL 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.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on December 7, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(21-2020-4.24)
(ZON2020-00120)

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

MOTION CARRIED

APPROVED

J. M. Frank
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.

P. Kay Cmelik

City Clerk