



20-2059

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Date December 7, 2020

RESOLUTION HOLDING 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, on November 23, 2020, by Roll Call No. 20-1866, the City Council received a communication from the City Plan and Zoning Commission advising 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, on November 23, 2020, by Roll Call No. 20-1866, the City Council further received the City Plan and Zoning Commission's recommendation 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, on November 23, 2020, by Roll Call No. 20-1866, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on December 7, 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, without public access to the meeting location; 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 land use amendment and rezoning; and

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WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1210 and 1220 Army Post Road, legally described as:

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 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

from RX1 Neighborhood Mix District to Limited MX3 Mixed Use District to allow 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.

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 to the PlanDSM future land use designation or rezoning of the Property to Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1210 and 1220 Army Post Road to Community Mixed Use within a Community Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited MX3 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Manuelbaum 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	✓			
GATO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

P. Kay Cmelik

City Clerk