



**Roll Call Number**

21-0148

**Agenda Item Number**

61

**Date** January 25, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM FEBRUARY 30<sup>TH</sup> PROPERTIES DBA SOUTH DES MOINES VET CENTER (CONTRACT BUYERS) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 601 ARMY POST ROAD AND 6302 SOUTHWEST 6<sup>TH</sup> STREET**

**WHEREAS**, on January 11, 2021, by Roll Call No. 21-~~0017~~ the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 17, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from February 30<sup>th</sup> Properties dba South Des Moines Vet Center (Contract Buyers) represented by Jeremy Beyer (officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 601 Army Post Road and 6302 Southwest 6<sup>th</sup> Street (“Property”) from Low Density Residential within a Community Node to Community Mixed Use within a Community Node to allow rezoning to ‘MX3’ Mixed Use District to allow the property to be developed for Animal Service, Veterinary and Boarding uses. The titleholders of the subject property are Joseph and Deborah Madonia; and

**WHEREAS**, on January 11, 2021, by Roll Call No. 21-~~0017~~ the City Council further received the City Plan and Zoning Commission’s recommendation that at a public hearing held on December 17, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from February 30<sup>th</sup> Properties dba South Des Moines Vet Center (Contract Buyers) represented by Jeremy Beyer (officer), to rezone the Property from ‘N3a’ Neighborhood District and ‘MX2’ Mixed Use District to ‘MX3’ Mixed Use District for the above-stated purpose subject to the following conditions:

1. Permitted uses shall be limited to those uses allowed in common with the “MX2” District, and Boarding uses as defined by the Animal Service Use Category; and
2. Accessory structures shall be limited to those permitted in the “MX2” Mixed Use District per Table 135-2.22-1; and

**WHEREAS**, on January 11, 2021, by Roll Call No. 21-~~0017~~, 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 January 25, 2021 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

**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 601 Army Post Road and 6302 Southwest 6<sup>th</sup> Street, legally described as:



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LOTS THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20) IN BLOCK 6 OF PORTER'S REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from to 'MX3' Mixed Use District for the above-stated purpose subject to the conditions that permitted uses shall be limited to those uses allowed in common with the "MX2" District, and Boarding uses as defined by the Animal Service Use Category; and Accessory structures shall be limited to those permitted in the "MX2" Mixed Use District per Table 135-2.22-1.

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 601 Army Post Road and 6302 Southwest 6th Street 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 Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse Assistant City Attorney

(21-2020-4.29) (ZON2020-00152)

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

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 Cownie Mayor

P. Kay Cmelik City Clerk