



Date August 9, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM OSCAR AND ENRIQUE ZENTENO  
TO AMEND PLANDSM FUTURE LAND USE CLASSIFICATION  
AND TO REZONE 2354 EAST GRAND AVENUE**

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0615, the City Council received a communication from the Plan and Zoning Commission advising that at a public hearing held on April 1, 2021, its members voted 9-4 in support of a motion to recommend **DENIAL** of a request from Oscar and Enrique Zenteno (owners) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use classification for real property locally known as 2354 East Grand Avenue (“Property”) from Neighborhood Mixed Use to Community Mixed Use, and to rezone the Property from MX1 Mixed Use District to MX3 Mixed Use District, to allow the ongoing operation of a Minor Vehicle/Maintenance Repair use on the Property; and

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0615, 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 May 10, 2021, at 5:00 p.m., 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; 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**, on May 10, 2021, by Roll Call No. 21-0730, the City Council opened and continued said hearing to 5:00 p.m. on June 14, 2021, at the Council Chambers and directed Development Services staff and the Legal Department to prepare rezoning conditions and documents required to approve the proposed rezoning; and

**WHEREAS**, on June 14, 2021, by Roll Call No. 21-0918, the City Council opened and further continued said hearing to 5:00 p.m. on June 28, 2021, upon request by the applicants’ representative for additional review time; and

**WHEREAS**, on June 28, 2021, by Roll Call No. 21-1045, the City Council opened and further continued said hearing to 5:00 p.m. on July 19, 2021, upon request by the applicants’ representative for additional review time; and

**WHEREAS**, on July 19, 2021, by Roll Call No. 21-1157, the City Council opened and further continued said hearing to 5:00 p.m. on August 9, 2021, upon request by the applicants’ representative for additional review time; and

**WHEREAS**, City Development Services staff worked with the applicant to establish conditions related to the rezoning, as follows, which conditions are included in an Acceptance of Rezoning executed by the property owners:

1. Any Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “MX3” Districts and Workshop/Warehouse Building Type, including landscaping and paving requirements, within one year of the approval of the rezoning.
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. No unlicensed or inoperable vehicles or vehicles awaiting repair associated with any business on the Property shall be parked or stored on the surrounding public street network.
4. The only uses permitted on the Property shall be the Commercial – Vehicle Sales and Service – Minor Vehicle Maintenance/Repair use and any use permitted in common with the MX1 Mixed Use District.

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21-1277

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5. No more than three (3) vehicles per bay may be stored outdoors while awaiting repair or pick-up.
6. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
7. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
8. All vehicles must have current license tags.
9. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.
10. All repairs must occur within a completely enclosed building; 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 2354 East Grand Avenue, legally described as:  
 LOTS 74, 75 AND 76 OF CENTRAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from MX1 Mixed Use District to Limited MX3 Mixed-Use District, to allow the ongoing operation of a Minor Vehicle/Maintenance Repair use on the Property, subject to the above-stated conditions; 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.

**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 land use amendment and the proposed rezoning of the Property to Limited MX3 Mixed-Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Neighborhood Mixed Use to Community Mixed Use, 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 the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

FORM APPROVED:  
/s/ Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

MOVED BY Gatto TO ADOPT.  
 (ZON2021-00021)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-6.3.9.B.1.

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