



Roll Call Number

21-1821

Agenda Item Number

32

Date December 6, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM KNAPP HOMES LLC
TO REZONE PROPERTY LOCATED AT 4402 DOUGLAS AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 18, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Knapp Homes LLC (Owner), represented by John Knapp (officer) to rezone real property locally known as 4402 Douglas Avenue (“Property”) from ‘MX1’ Mixed Use District to ‘MX3’ Mixed Use District to allow development of a Restaurant with a drive-through use, subject to the following conditions:

1. That Permitted and Conditional Uses are limited to a restaurant with a drive-through component; and
2. That Permitted and Conditional Uses are limited to those in common with the ‘MX1’ Mixed Use District and as limited in the ‘MX1’ Mixed Use District.

WHEREAS, the Property is legally described as follows:

LOT 1, EXCEPT THE WEST 149.8 FEET AND THE NORTH 25 FEET OF LOT 2, EXCEPT THE WEST 149.8 FEET IN PHILPOTT ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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 rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on December 20, 2021, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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.

MOVED BY *Gatto* TO ADOPT.



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APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K Parks-Kruse
Assistant City Attorney

(ZONG-2021-000039)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
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