



Roll Call Number

21-1964

Agenda Item Number

73

Date December 20, 2021

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

WHEREAS, on December 6, 2021, by Roll Call No. 21-1821, the City Council received a communication from the City Plan and Zoning Commission advising 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 ‘MX-1’ Mixed Use District to Limited ‘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; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1821, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on December 20, 2021 at 5:00 P.M., in the Council Chambers; 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed 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 4402 Douglas Avenue, legally described as:

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.

from ‘MX-1’ Mixed Use District to Limited ‘MX3’ Mixed Use Neighborhood District, for the purpose set forth above.



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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 rezoning of the Property to 'N3a' Neighborhood District are hereby overruled, and the hearing is closed.
2. 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 Gray TO APPROVE.

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			

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk