



Roll Call Number

22-0530

Agenda Item Number

21

Date April 4, 2022

**RESOLUTION SETTING HEARING ON REQUEST FROM JOHN A. GETSY III
TO REZONE PROPERTY LOCATED AT 1022 ARMY POST ROAD**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from John A. Getsy III (owner) to rezone real property locally known as 1022 Army Post Road (“Property”) from ‘RX1’ Mixed Use District to Limited ‘MX3’ Mixed Use District to allow the conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - a. Any use as allowed and regulated in the “RX1” Mixed Use District; and /or
 - b. A “Vehicle Maintenance/Repair, Minor” use.
2. Any use of the property for a “Vehicle Maintenance/Repair, Minor” use shall comply with the following:
 - a. No more than three (3) vehicles per bay may be stored outdoors while awaiting service/repair or pick-up.
 - b. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
 - c. Vehicles awaiting service/repair or pick-up may not occupy parking spaces required for customers and employees.
 - d. Any vehicle on the premises shall have current license tags.
 - e. Outdoor storage of junk, debris, tires, vehicle parts, or any other materials related to the business, shall be prohibited.
 - f. Any vehicle repair or service shall occur within a completely enclosed building; and

WHEREAS, the Property is legally described as follows:

Lot 7 and 8 except that part lying northerly of a line described as: Beginning at a point 19.5 feet southerly from the northwest corner of said Lot 7, on the West line thereof; thence easterly to a point 22.0 feet southerly from the northeast corner of said Lot 8 on the East line thereof, in Block 2 in RODGERS PLACE, an Official Plat, now included in and forming a part of City of Des Moines, Iowa

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 April 18, 2022, 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.



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MOVED BY Gatto TO ADOPT. SECOND BY Boesen

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse Assistant City Attorney

(ZONG2022-000017)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

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