



Roll Call Number

22-0943

Agenda Item Number

68

Date June 13, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM TIGER KNIGHT, LLC TO REZONE PROPERTY LOCATED AT 1210 & 1220 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 5, 2022, its members voted 13-0 in support of a motion to recommend approval of a request from Tiger Knight, LLC (Owner) represented by Barry Nelson (Officer) to rezone the real property locally known as 1210 & 1220 Army Post Road from Limited “MX3” Mixed-Use District to Limited “MX3” Mixed-Use District with conditions to allow automotive upholstery and automotive detailing uses subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
 - h. Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City’s Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City’s Permit & Development Center; and

WHEREAS, on May 23, 2022, by Roll Call No. 22-0779, it was duly resolved by the City Council that the request for rezoning of the Property, legally described as follows, be set down for hearing on June 13, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

LOTS 1, 2, 3, 4, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK “H” PAGE 16 AT THE POLK COUNTY RECORDER’S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3, 4, AND 392 AND FURTHER EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and



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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 amendment to the Zoning Ordinance and PlanDSM Comprehensive Future Land Use Plan amendment; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from Limited “MX3” Mixed-Use District to Limited “MX3” Mixed-Use District with conditions; 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 from Limited “MX3” Mixed-Use District to Limited “MX3” Mixed-Use District with conditions are hereby received and filed, any and all objections to the proposed rezoning of the Property to Limited “MX3” Mixed-Use District with conditions are overruled, and the hearing is closed.
3. The proposed rezoning of the Property, as legally described above, to Limited “MX3” Mixed-Use District with conditions 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.



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Moved by Mandelbaum to adopt. Second by Galto

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

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

MOTION CARRIED APPROVED
J. M. Frankin Cownie Mayor

Laura Baumgartner Acting City Clerk