



Roll Call Number

23-1322

Agenda Item Number

32

Date October 2, 2023

**RESOLUTION SETTING HEARING ON REQUEST FROM BREW OIL, LLC
(OWNER), REPRESENTED BY RUPINDER KAUR (OFFICER) TO AMEND
PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE
THE PROPERTY LOCATED AT 4140 PARK AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023, its members voted 8-0 in support of a motion to recommend **DENIAL** of a request from Brew Oil, LLC (owner), represented by Rupinder Kaur (officer), the requested rezoning for Property located at 4140 Park Avenue is not in conformance with the existing PlanDSM future land use designation of Neighborhood Mixed Use; to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 4140 Park Avenue from Neighborhood Mixed Use to Community Mixed Use; to rezone the Property from “RX1” Mixed Use District to “MX3” Mixed Use District, to allow the redevelopment of an existing building as a convenience store with liquor sales, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

**THE NORTH 200 FEET OF THE WEST 173 FEET OF THE NORTHWEST QUARTER
(NW 1/4) OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M.,
NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA, EXCEPT LEGALLY ESTABLISHED HIGHWAYS.**

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 amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on October 23, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000052) (COMP-2023-000029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

J. M. Frankin Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner City Clerk