



Roll Call Number

23-1478

Agenda Item Number

66

Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING ON REQUEST FROM CS FAMILY PROPERTIES, LLC (OWNER), REPRESENTED BY CORY STEINER (OFFICER), TO REZONE PROPERTY LOCATED AT 3001 SOUTHWEST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023 its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), for the proposed rezoning from “RX1” Mixed-Use District to Limited “MX3” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), to rezone the Property from “RX1” Mixed-Use District to Limited “MX3” Mixed Use District, to allow for the use of the existing building for a vehicle detailing shop, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the “RX1” Mixed Use District, or,
 2. A vehicle detailing business that complies with the supplemental use regulations for the “Vehicle Maintenance and Repair, Minor” use subcategory of the “Vehicle Sales and Service” use category.;
- and

WHEREAS, the Property is legally described as follows:

THE NORTH 25 FEET OF LOT 4 AND ALL OF LOT 3, EXCEPT THE EAST 54 FEET OF SAID LOTS 3 AND 4, ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, THENCE NORTH ALONG THE WEST LINES OF LOTS 4 AND 3 A DISTANCE OF 60 FEET, THENCE SOUTHEASTERLY TO THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 4 TO A POINT 3.5 FEET EAST OF THE WEST LINE OF LOT 4, THENCE WEST 3.5 FEET TO THE POINT OF BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, ALL IN PROCTOR’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on October 2, 2023, by Roll Call No. 23-1327, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on October 2, 2023, at 5:00 p.m., at the City Council Chambers; 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. Finding that said proposed rezoning from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District, to allow for the use of the existing building for a vehicle detailing shop, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Boesen.

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000042)

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

J. M. Franklin 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