



**Roll Call Number**

24-0362

**Agenda Item Number**

50

**Date** March 4, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM JUAN’S AUTO REPAIR, LLC (OWNER), REPRESENTED BY JUAN LOPEZ (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1660 EAST ARMY POST ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), for the proposed rezoning from “EX” Mixed Use District to “CX” Mixed-Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park within a Regional Node; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park within a Regional Node to Community Mixed Use within a Regional Node; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on January 18, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Juan’s Auto Repair, LLC (owner), represented by Juan Lopez (officer), to rezone the Property from “EX” Mixed Use District to “CX” Mixed-Use District to allow construction of a new auto body repair shop; and

**WHEREAS**, the Property is legally described as follows:

**LOT 3 (EXCEPT THE NORTH 130 FEET AND EXCEPT THE SOUTH 41.4 FEET ON THE WEST LINE AND THE SOUTH 37.8 FEET ON THE EAST LINE) IN NEW HOPE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on February 5, 2024, by Roll Call No. 24-0181, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on February 19, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on February 19, 2024, by Roll Call No. 24-0271, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be opened and continued for hearing on March 4, 2024, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

Date March 4, 2024

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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park within a Regional Node to Community Mixed Use within a Regional Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “EX” Mixed Use District to “CX” Mixed-Use District to allow construction of a new auto body repair shop, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

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

(ZONG-2023-000062) (COMP-2023-000046)

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

MOTION CARRIED

APPROVED

Connie Boesen 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