



Roll Call Number

.....24-0737.....

Agenda Item Number

.....21.....

DateMay 20, 2024.....

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM NORMA TAMAY, CARLOS TAMAY, AND JAMES TAMAY (OWNERS), FOR THE FOLLOWING REGARDING TWO (2) PARCELS LOCATED IN THE VICINITY OF 1201 EUCLID AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW-MEDIUM DENSITY RESIDENTIAL TO COMMUNITY MIXED USE, AND TO REZONE THE PROPERTY FROM “NX1” NEIGHBORHOOD MIX DISTRICT TO LIMITED “MX1” MIXED USE DISTRICT, TO ALLOW THE USE OF AN EXISTING BUILDING AS A CONVENIENCE STORE (COMMERCIAL) USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 12-2 in support of a motion to recommend **APPROVAL** of a request from Norma Tamay, Carlos Tamay, and James Tamay (Owners), for the proposed rezoning from “NX1” Neighborhood Mix District to Limited “MX1” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2024, its members voted 12-2 in support of a motion to recommend **APPROVAL** of a request from Norma Tamay, Carlos Tamay, and James Tamay (Owners), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 2, 2024, its members voted 12-2 in support of a motion to recommend **APPROVAL** of a request from Norma Tamay, Carlos Tamay, and James Tamay (Owners), to rezone the Property from “NX1” Neighborhood Mix District to Limited “MX1” Mixed Use District, to allow the use of an existing building as a convenience store (commercial) use, subject to the following conditions:

1. The two parcels that comprise the subject property shall be combined into a single parcel.
2. Any use of the Property shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.; and

WHEREAS, the Property is legally described as follows:

THE SOUTH 49 FEET OF THE WEST 33.22 FEET & THE SOUTH 45 FEET OF THE EAST 27.20 FEET OF LOT 24 BIK IS OAK PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES. POLK COUNTY, IOWA.



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ALSO INCLUDING ONTO THE PROPERTY:

PARCEL "A" OF PLAT OF SURVEY RECORDED IN BOOK 14532, PAGE 690, BEING PART OF LOT 24 IN BLOCK 15 IN OAK PARK, AN OFFICIAL PLAT NOT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, 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 amendments to PlanDSM Creating Our Tomorrow comprehensive Plan 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on June 3, 2024, at which time the City Council will hear both those who oppose and those who favor the proposals.
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.

MOVED BY Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2024-000012) (COMP-2024-000009)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk