



**Roll Call Number**

24-0822

**Agenda Item Number**

35

**Date** June 3, 2024

**RESOLUTION HOLDING 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 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), for 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.**

**ALSO INCLUDING ONTO THE PROPERTY:**

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**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; and**

**WHEREAS**, on May 20, 2024, by Roll Call No. 24-0737, 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 June 3, 2024, at 5:00 p.m., at the City Council Chambers; and

**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 proposals; 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.

**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 Low-Medium Density Residential to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, 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 conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Satto.

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk