



Roll Call Number

24-1242

Agenda Item Number

34

Date September 16, 2024

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM ALISHA, LLC (CONTRACT BUYER), REPRESENTED BY MUHAMMAD SARWAR (OFFICER), TO REZONE THE PROPERTY FROM “RX1” MIXED-USE DISTRICT TO “MX3” MIXED-USE DISTRICT, TO ALLOW LIQUOR SALES AT AN EXISTING FUEL STATION

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 15, 2024, its members voted 14-0 in support of a motion to recommend **DENIAL** of a request from Alisha, LLC (contract buyer), represented by Muhammad Sarwar (officer), for property located at 3718 Southwest 9th Street, to rezone the property from “RX1” Mixed-Use District to “MX3” Mixed-Use District, to allow liquor sales at an existing fuel station and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

LOTS NINETY-EIGHT (89), NINETY-NINE (99) AND ONE HUNDRED (100) IN WATROUS PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY WARRANTY DEED RECORDED IN BOOK 5450 PAGE 375).

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 rezoning is 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 October 7, 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.



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MOVED BY Gatto TO ADOPT, SECOND BY Voss

FORM APPROVED:

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

(ZONG-2024-000023)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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