



**Roll Call Number**

24-1393

**Agenda Item Number**

52

**Date** October 7, 2024

**RESOLUTION HOLDING 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 9<sup>th</sup> 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).; and**

**WHEREAS**, on September 19, 2024 by Roll Call No. 24-1242, 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 October 7, 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 proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, 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 of the Property are hereby overruled, and the hearing is closed.

**Alternative A - Denial**

MOVED by Mandelbaum to DENY the proposed amendment and rezoning.

Second by Gatto

★ **Roll Call Number**  
24-1393

**Agenda Item Number**  
52

**Date** October 7, 2024

**Alternative B – Continuance to Draft Approval with Conditions**

MOVED by \_\_\_\_\_ to continue the public hearing until October 21, 2024, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the requested rezoning of the property from “RX1” Mixed-Use District to “MX3” Mixed-Use District, to allow liquor sales at an existing fuel station, subject to conditions, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Second by \_\_\_\_\_

**(NOTE – FUTURE APPROVAL REQUIRES SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS AND RECOMMENDED DENIAL FROM THE CITY PLAN AND ZONING COMMISSION)**

FORM APPROVED:

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

(ZONG-2024-000023)

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