

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 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).; 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

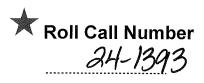
WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 <u>MandelDaum</u> to DENY the proposed amendment and rezoning. Second by <u>Jatto</u>



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Alternative B – Continuance to Draft Approval with Conditions

(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:

<u>/s/ Chas M. Cahill</u> Chas M. Cahill Assistant City Attorney

(ZONG-2024-000023)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE		
BOESEN	V						
SIMONSON	~			1	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.		
VOSS	V						
COLEMAN	V						
WESTERGAARD	V						
MANDELBAUM	V						
GATTO	V				IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first		
TOTAL	1				above written.		
MOTION CARRIED APPROVED				PPROVED			
(onice boese Mayor					Raura Baungartha City Clerk		
				Mayor			