



**Roll Call Number**

24-1719

**Agenda Item Number**

23

**Date** December 23, 2024

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM LUIS E. OCHOA (OWNER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 617 SCOTT AVENUE, TO REZONE THE PROPERTY FROM “DXR” DOWNTOWN DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT, TO ALLOW A “VEHICLE MAINTENANCE AND REPAIR – MINOR” USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Luis E. Ochoa (Owner), for the proposed rezoning from “DXR” Downtown District to Limited “MX3” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Downtown Mixed Use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on December 5, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Luis E. Ochoa (Owner), to rezone the Property from “DXR” Downtown District to Limited “MX3” Mixed Use District, to allow a “Vehicle Maintenance and Repair – Minor” use, subject to the following conditions:

1. Permitted uses shall be limited to:
  - a. Vehicle Sales and Service - Vehicle Maintenance/Repair Minor; and
  - b. Any use as permitted in common with and as limited by the DXR District.
2. Any use on the property shall be in accordance with an approved site plan.
3. A site plan for the property shall be submitted no later than April 30, 2025, and the property owner shall obtain approval no later than July 31, 2025.
4. The property shall be brought into conformance with an approved site plan by December 31, 2025.
5. Any principal building on the site shall conform to the Storefront or General Building Type regulations pursuant to Chapter 135-2.1.; and

**WHEREAS**, the Property is legally described as follows:

**EXCEPT THE WEST 50 FEET, LOTS 8, 9 AND 10, BLOCK 54, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.**

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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 proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 13, 2025, at which time the City Council will hear both those who oppose and those who favor the proposal.
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 Coleman TO ADOPT

SECOND BY Gatto

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2024-000026)

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS				✓
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

Connie Boesen Mayor

Laura Baumgartner City Clerk