



Roll Call Number

25-0046

Agenda Item Number

34 ✓

Date January 13, 2025

RESOLUTION HOLDING 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 future principal building or addition 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.; and



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WHEREAS, on December 23, 2024, by Roll Call No. 24-1719, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on January 13, 2025, 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, 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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from "DXR" Downtown District to Limited "MX3" Mixed Use District, to allow a "Vehicle Maintenance and Repair – Minor" 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 Mandelbaum TO ADOPT. SECOND BY Gatto.

FORM APPROVED:

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

(ZONG-2024-000026)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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