



**Roll Call Number**

25-0117

**Agenda Item Number**

24

**Date** January 27, 2025

**RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM BIG DEAL INVESTMENTS, LLC (OWNER), REPRESENTED BY DYLAN BOOK (OFFICER), FOR LOCATED AT 1424 ARMY POST ROAD TO REZONE THE PROPERTY FROM “RX1” MIXED USE DISTRICT TO LIMITED “MX3” MIXED USE DISTRICT, TO ALLOW REUSE OF THE PROPERTY FOR A “VEHICLE SALES AND SERVICE – VEHICLE RENTAL” USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Big Deal Investments, LLC (Owner) represented by Dylan Book (Officer), for the proposed rezoning from “RX1” Mixed Use District to Limited “MX3” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on January 16, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Big Deal Investments, LLC (Owner) represented by Dylan Book (Officer), to rezone the Property from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow reuse of the property for a “Vehicle Sales and Service – Vehicle Rental” use, subject to the following conditions:

1. Permitted uses shall be limited to:
  - a. Vehicle Sales and Service - Vehicle Rental; and
  - b. Any use as permitted in common with and as limited by the “RX1” District.
2. Any use on the property shall be in accordance with an approved site plan pursuant to Chapter 135 of the Municipal Code.
3. Any vehicle for lease, sale or hire shall be stored or displayed in the rear portion of the subject property as shown on an approved site plan.; and

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

**THE WEST 101 FEET OF THE EAST 396 FEET OF THE SOUTH 141 FEET OF THE NORTH 183 FEET OF THE EAST 12 ACRES OF THE NE 1/4 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;**

**SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.**

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:



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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 February 10, 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 Gatto TO ADOPT.

SECOND BY Voss

**FORM APPROVED:**

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

(ZONG-2024-000047)

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

MOTION CARRIED APPROVED

Connie Bauer  
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