



Roll Call Number

20-1324

Agenda Item Number

22

Date August 17, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM McFADDEN HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT 1537 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from McFadden Holdings, LLC (owner), represented by Steven McFadden (officer), to rezone the real property locally known as 1537 Army Post Road ("Property") from RX1 Mixed Use District to Limited MX3 Mixed Use District, to allow the existing building to be used for a vehicle cleaning and detailing business, subject to the following condition:

- 1. Any use of the Property shall be limited to Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, or any use permitted by right or by Conditional Use as allowed and regulated in the RX1 Mixed Use District; and

WHEREAS, the Property is legally described as follows:

That part of Lots 41 and 42 Geil Place Plat Three, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa described as follows: The West 12.5 feet of the South 104.24 feet of lot 41 and the West 105.5 feet of Lot 42 (except the North 10 feet of the East 45 feet thereof) and except the South 10 feet of Lots 41 and 42 acquired by the State of Iowa for the widening of Army Post Road, Highway No. 29.

Also a perpetual easement in common with others for motor vehicle and foot travel, including the right to pave all or any part thereof, over a triangular parcel of land in said Lots 41 and 42, described as follows: Beginning at a point which is 10 feet north of the southeast corner of lot 41, thence West 25 feet, then North 40 feet, thence in a Southeasterly direction to the point of beginning.

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 shall be held on September 14, 2020, at 5:00 p.m., to be held by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location, 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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.



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MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2020-00081)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

MOTION CARRIED APPROVED
J.M. Franklin Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

Signature of P. Kay Cmelik City Clerk