



Roll Call Number

21-0857

Agenda Item Number

26

Date June 24, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM GORKHA BROTHERS, INC. (LESSEE) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2829 EASTON BOULEVARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Gorkha Brothers, Inc. (Lessee), represented by Sushii Gajmer (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2829 Easton Boulevard (“Property”) from Neighborhood Mixed Use to Community Mixed Use to allow rezoning to ‘MX3’ Mixed Use District to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a business selling alcoholic liquor. The subject property is owned by ARSHI, LLC (contract buyer of record) and Sandhu Minimart, LLC (titleholder); and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Gorkha Brothers, Inc. (Lessee), represented by Sushii Gajmer (officer), to rezone the Property from ‘MX1’ Mixed Use District to ‘MX3’ Mixed Use District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

LOTS 1, 2, 3, 4 AND 5 AND THE NORTHERLY 1/2 OF THE VACATED NORTHEAST/SOUTHWESTERLY ALLEY LYING SOUTH OF AND ADJOINING SAID LOTS 1, 2, 3, AND THE EASTERLY 36 FEET OF LOT 4 (EXCEPT THE EASTERLY 17 FEET OF SAID ALLEY LYING SOUTH OF AND ADJOINING SAID LOT 1), ALL IN BOULEVARD ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

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 amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on June 28, 2021, 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.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the

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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.

MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.13)
(ZON2021-00042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

P. Kay Cmelik
City Clerk