



Roll Call Number

22-0628

Agenda Item Number

51

Date April 18, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM JOHN A. GETSY III
TO REZONE PROPERTY LOCATED AT 1022 ARMY POST ROAD**

WHEREAS, on April 4, 2022, by Roll Call No. 22-0530, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from John A. Getsy III (owner), to rezone real property locally known as 1022 Army Post Road (“Property”) from “RX1” Mixed Use District to Limited “MX3” Mixed Use District, to allow the conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, subject to the following conditions:

1. Use of the property shall be limited to the following:
 - a. Any use as allowed and regulated in the “RX1” Mixed Use District; and /or
 - b. A “Vehicle Maintenance/Repair, Minor” use.

2. Any use of the property for a “Vehicle Maintenance/Repair, Minor” use shall comply with the following:
 - a. No more than three (3) vehicles per bay may be stored outdoors while awaiting service/repair or pick-up.
 - b. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
 - c. Vehicles awaiting service/repair or pick-up may not occupy parking spaces required for customers and employees.
 - d. Any vehicle on the premises shall have current license tags.
 - e. Outdoor storage of junk, debris, tires, vehicle parts, or any other materials related to the business, shall be prohibited.
 - f. Any vehicle repair or service shall occur within a completely enclosed building; and

WHEREAS, on April 4, 2022, by Roll Call No. 22-0530, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on April 18, 2022 at 5:00 P.M., in the 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 proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 1022 Army Post Road and legally described as follows:

Lot 7 and 8 except that part lying northerly of a line described as: Beginning at a point 19.5 feet southerly from the northwest corner of said Lot 7, on the West line thereof; thence easterly to a point



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22.0 feet southerly from the northeast corner of said Lot 8 on the East line thereof, in Block 2 in RODGERS PLACE, an Official Plat, now included in and forming a part of City of Des Moines, Iowa

from "RX1" Mixed Use District to Limited "MX3" Mixed Use District, to allow the conversion of the existing building to a "Vehicle Maintenance/Repair, Minor" use, subject to the above-stated conditions which have been agreed to and accepted in writing by the property owner.

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 of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "MX3" Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO DENY.

SECOND BY Gatto

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2022-000017)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER			✓	
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6		1	

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