



Roll Call Number

22-1189

Agenda Item Number

57

Date July 18, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM ABDELAZIZ ABDELKARIM (OFFICER), FOR PROPERTY LOCATED IN THE VICINITY OF 2711 & 2713 MARTIN LUTHER KING, JR. PARKWAY, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM COMMUNITY MIXED-USE TO INDUSTRIAL USE, AND TO REZONE THE PROPERTY FROM “MX3” MIXED-USE DISTRICT TO “I2” INDUSTRIAL DISTRICT TO ALLOW THE USE OF THE PROPERTY AS AN AUTO RECYCLING/JUNK AND SALVAGE YARD BUSINESS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from Abdelaziz Abdelkarim (officer), for property located in the vicinity of 2711 & 2713 Martin Luther King, Jr. Parkway, to Amend PlanDSM Creating Our Tomorrow Plan to Revise the Future Land Use Classification from community mixed-use to industrial use, to rezone the Property from “MX3” mixed use district to “I2” industrial district, to allow the use of the property as an auto recycling/junk and salvage yard business, and determined the requested rezoning is not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

Lot 3 (except the West 7 feet thereof) of Lambert Place, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on June 27, 2022, by Roll Call No. 22-0998, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on July 18, 2022, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.

Alternative A



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MOVED by Sheumaker and Seconded by Gatto to adopt and DENY the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation and rezoning.

Alternative B

MOVED by and Seconded by to continue the public hearing until August 8, 2022, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the proposed PlanDSM Comprehensive Future Land Use Plan amendment from community mixed-use to industrial use and APPROVE the proposed rezoning from "MX3" mixed use district to "I2" industrial district, subject to conditions acceptable to the City and the owner(s).

NOTE: Affirmative votes of three-fourths of the council members who are not disqualified by reason of a conflict of interest are required to approve the proposed rezoning due to Plan and Zoning's Recommendation of Denial. Des Moines City Code §134-6.3.10 & Iowa Code §362.6

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000023)

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

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

J. M. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk