

Date February 6, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM LDS ENTERPRISES, LLC (OWNER) REPRESENTED BY LARRY D. SPRAGUE (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 4415 HUBBELL AVENUE, TO CONFIRM REQUESTED REZONING IS IN CONFORMANCE WITH PLANDSM CREATING OUR TOMORROW PLAN, AND TO REZONE THE PROPERTY FROM “MX3” MIXED USE DISTRICT TO LIMITED “CX” MIXED USE DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR AUTO BODY PAINTING

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 9-5 in support of a motion to recommend **APPROVAL** of a request from LDS Enterprises, LLC (Owner), represented by Larry D. Sprague (Officer), for the proposed rezoning from “MX3” Mixed-Use District to Limited “CX” 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 19, 2023, its members voted 9-5 in support of a motion to recommend **APPROVAL** of a request from LDS Enterprises, LLC (Owner) represented by Larry D. Sprague (Officer), for property located at 4415 Hubbell Avenue, to rezone the “MX3” Mixed-Use District to Limited “CX” Mixed-Use District, to allow the use of the property for auto body painting, subject to the following conditions:

1. Use restricted shall be limited to the following:
 - a. Any use as permitted and limited in “MX3” Mixed-Use District.
 - b. An auto painting use that is fully contained within a building.
2. Prohibition of outdoor storage, pavement or parking within the rear yard.

WHEREAS, the Property is legally described as follows:

LOT 5 IN CAPITOL HEIGHTS, NO. 2, EXCEPT THE NORTHWEST 2.0 FEET (LYING ADJACENT TO AN PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF AVENUE FREDERICK M. HUBBELL), AN OFFICIAL PLAT, IN 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.

★ **Roll Call Number**
23-0155

Agenda Item Number
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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 proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on February 20, 2023.
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 Boesen

FORM APPROVED:

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

(ZONG-2022-000103)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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