



**Roll Call Number**

23-1327

**Agenda Item Number**

37

**Date** October 2, 2023

**RESOLUTION SETTING HEARING ON REQUEST FROM CS FAMILY PROPERTIES, LLC (OWNER), REPRESENTED BY CORY STEINER (OFFICER), TO REZONE PROPERTY LOCATED AT 3001 SOUTHWEST 9<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), for the proposed rezoning from “RX1” Mixed-Use District to Limited “MX3” 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 September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from CS Family Properties, LLC (Owner), represented by Cory Steiner (Officer), to rezone the Property from “RX1” Mixed-Use District to Limited “MX3” Mixed Use District, subject to the condition that any use of the property shall be limited to the following:

1. Any use permitted by right or by Conditional Use, as allowed and regulated in the “RX1” Mixed Use District, or,
2. A vehicle detailing business that complies with the supplemental use regulations for the “Vehicle Maintenance and Repair, Minor” use subcategory of the “Vehicle Sales and Service” use category.; and

**WHEREAS**, the Property is legally described as follows:

**THE NORTH 25 FEET OF LOT 4 AND ALL OF LOT 3, EXCEPT THE EAST 54 FEET OF SAID LOTS 3 AND 4, ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, THENCE NORTH ALONG THE WEST LINES OF LOTS 4 AND 3 A DISTANCE OF 60 FEET, THENCE SOUTHEASTERLY TO THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 4 TO A POINT 3.5 FEET EAST OF THE WEST LINE OF LOT 4, THENCE WEST 3.5 FEET TO THE POINT OF BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, ALL IN PROCTOR’S 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 amendments to PlanDSM Creating

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Our Tomorrow comprehensive Plan 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 23, 2023, at which time the City Council will hear both those who oppose and those who favor the proposals.

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.

APPROVED AS TO FORM:

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

(ZONG-2023-000042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			
MOTION CARRIED			APPROVED	

J. M. Frankin 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